

1 AMENDMENT TO SENATE BILL 487

2 AMENDMENT NO. _____. Amend Senate Bill 487 by replacing
3 everything after the enacting clause with the following:

4 "ARTICLE 5. GENERAL PROVISIONS.

5 Section 5-5. Short title; Act supersedes the Private
6 Detective, Private Alarm, Private Security, and Locksmith Act
7 of 1993. This Act may be cited as the Private Detective,
8 Private Alarm, Private Security, and Locksmith Act of 2004
9 and it supersedes the Private Detective, Private Alarm,
10 Private Security, and Locksmith Act of 1993 repealed by this
11 Act.

12 Section 5-10. Definitions. As used in this Act:

13 "Advertisement" means any printed material that is
14 published in a phone book, newspaper, magazine, pamphlet,
15 newsletter, or other similar type of publication that is
16 intended to either attract business or merely provide contact
17 information to the public for an agency or licensee.
18 Advertisement shall include any material published over the
19 Internet or other electronic formats, but shall not include a
20 licensee's or an agency's letterhead, business cards, or
21 other stationery used in routine business correspondence or

1 customary name, address, and number type listings in a
2 telephone directory.

3 "Alarm system" means any system, including an electronic
4 access control system, a surveillance video system, a
5 security video system, a burglar alarm system, a fire alarm
6 system, or any other electronic system, that activates an
7 audible, visible, remote, or recorded signal that is designed
8 for the protection or detection of intrusion, entry, theft,
9 fire, vandalism, escape, or trespass.

10 "Armed employee" means a licensee or registered person
11 who is employed by an agency licensed under this Act who
12 carries a weapon while engaged in the performance of official
13 duties within the course and scope of his or her employment
14 during the hours and times the employee is scheduled to work
15 or is commuting between his or her home or place of
16 employment, provided that commuting is accomplished within
17 one hour from departure from home or place of employment.

18 "Armed proprietary security force" means a security force
19 made up of 5 or more armed individuals employed by a private,
20 commercial, or industrial operation or one or more armed
21 individuals employed by a financial institution as security
22 officers for the protection of persons or property.

23 "Board" means the Private Detective, Private Alarm,
24 Private Security, and Locksmith Board.

25 "Branch office" means a business location where active
26 employee records that are required to be maintained under
27 this Act are kept, where prospective new employees are
28 processed, or where members of the public are invited in to
29 transact business. A branch office does not include an office
30 or other facility located on the property of an existing
31 client that is utilized solely for the benefit of that client
32 and is not owned or leased by the agency.

33 "Corporation" means an artificial person or legal entity
34 created by or under the authority of the laws of a state.

1 "Department" means the Department of Professional
2 Regulation.

3 "Director" means the Director of Professional Regulation.

4 "Employee" means a person who works for a person or
5 agency that has the right to control the details of the work
6 performed and is not dependent upon whether or not federal or
7 state payroll taxes are withheld.

8 "Fire alarm system" means any system that is activated by
9 an automatic or manual device in the detection of smoke,
10 heat, or fire that activates an audible, visible, or remote
11 signal requiring a response.

12 "Firearm authorization card" means a card issued by the
13 Department that authorizes the holder to carry a weapon
14 during the performance of his or her duties as specified in
15 this Act.

16 "Firm" means an unincorporated business entity, including
17 but not limited to proprietorships and partnerships.

18 "Locksmith" means a person who engages in a business or
19 holds himself out to the public as providing a service that
20 includes, but is not limited to, the servicing, installing,
21 originating first keys, re-coding, repairing, maintaining,
22 manipulating, or bypassing of a mechanical or electronic
23 locking device, access control or video surveillance system
24 at premises, vehicles, safes, vaults, safe deposit boxes, or
25 automatic teller machines.

26 "Locksmith agency" means a person, corporation, or other
27 entity that engages in the locksmith business and employs, in
28 addition to the locksmith licensee-in-charge, at least one
29 other person in conducting such business.

30 "Locksmith licensee-in-charge" means a person who has
31 been designated by a person, association, firm, or
32 corporation to be the licensee-in-charge of an agency, who is
33 a full-time executive employee or owner who assumes sole
34 responsibility for all employees of the agency and for their

1 actions, who assumes sole responsibility for maintaining all
2 records required by this Act, and who assumes sole
3 responsibility for assuring the licensed agency's compliance
4 with its responsibilities as stated in this Act.

5 "Peace officer" or "police officer" means a person who,
6 by virtue of office or public employment, is vested by law
7 with a duty to maintain public order or to make arrests for
8 offenses, whether that duty extends to all offenses or is
9 limited to specific offenses. Officers, agents, or employees
10 of the federal government commissioned by federal statute to
11 make arrests for violations of federal laws are considered
12 peace officers.

13 "Permanent employee registration card" means a card
14 issued by the Department to an individual who has applied to
15 the Department and meets the requirements for employment by a
16 licensed agency under this Act.

17 "Person" means a natural person.

18 "Private alarm contractor" means a person who engages in
19 a business that individually or through others undertakes,
20 offers to undertake, purports to have the capacity to
21 undertake, or submits a bid to sell, install, monitor,
22 maintain, alter, repair, replace, or service alarm and other
23 security-related systems or parts thereof, including fire
24 alarm systems, at protected premises or premises to be
25 protected or responds to alarm systems at a protected
26 premises on an emergency basis and not as a full-time
27 security officer. "Private alarm contractor" does not
28 include a person, firm, or corporation that manufactures or
29 sells alarm systems only from its place of business and does
30 not sell, install, monitor, maintain, alter, repair, replace,
31 service, or respond to alarm systems at protected premises or
32 premises to be protected.

33 "Private alarm contractor agency" means a person,
34 corporation, or other entity that engages in the private

1 alarm contracting business and employs, in addition to the
2 private alarm contractor-in-charge, at least one other person
3 in conducting such business.

4 "Private alarm contractor licensee-in-charge" means a
5 person who has been designated by a person, association,
6 firm, or corporation to be the licensee-in-charge of an
7 agency, who is a full-time executive employee or owner who
8 assumes sole responsibility for all employees of the agency
9 and for their actions, who assumes sole responsibility for
10 maintaining all records required by this Act, and who assumes
11 sole responsibility for assuring the licensed agency's
12 compliance with its responsibilities as stated in this Act.
13 If the licensee-in-charge is a person other than the
14 controlling interest owner, the full-time in-charge executive
15 employee shall work at least 30 hours per week for the
16 agency.

17 "Private detective" means any person who by any means,
18 including but not limited to manual or electronic methods,
19 engages in the business of, accepts employment to furnish, or
20 agrees to make or makes investigations for a fee or other
21 consideration to obtain information, from any source, public
22 or private, relating to:

23 (1) Crimes or wrongs done or threatened against the
24 United States, any state or territory of the United
25 States, or any local government of a state or territory.

26 (2) The identity, habits, conduct, business
27 occupation, honesty, integrity, credibility, knowledge,
28 trustworthiness, efficiency, loyalty, activity,
29 movements, whereabouts, affiliations, associations,
30 transactions, acts, reputation, or character of any
31 person, firm, or other entity by any means, manual or
32 electronic.

33 (3) The location, disposition, or recovery of lost
34 or stolen property.

1 (4) The cause, origin, or responsibility for fires,
2 accidents, or injuries to individuals or real or personal
3 property.

4 (5) The truth or falsity of any statement or
5 representation.

6 (6) Securing evidence to be used before any court,
7 board, or investigating body.

8 (7) The protection of individuals from bodily harm
9 or death (bodyguard functions).

10 (8) Service of process in criminal and civil
11 proceedings without court order.

12 "Private detective agency" means a person, firm, or other
13 entity that engages in the private detective business and
14 employs, in addition to the licensee-in-charge, one or more
15 persons in conducting such business.

16 "Private Detective licensee-in-charge" means a person who
17 has been designated by a person, association, firm, or
18 corporation to be the licensee-in-charge of an agency, who is
19 a full-time executive employee or owner who assumes sole
20 responsibility for all employees of the agency and for their
21 actions, who assumes sole responsibility for maintaining all
22 records required by this Act, and who assumes sole
23 responsibility for assuring the licensed agency's compliance
24 with its responsibilities as stated in this Act.

25 "Private security contractor" means a person who engages
26 in the business of providing a private security officer,
27 watchman, patrol, or a similar service by any other title or
28 name on a contractual basis for another person, firm,
29 corporation, or other entity for a fee or other consideration
30 and performing one or more of the following functions:

31 (1) The prevention or detection of intrusion,
32 entry, theft, vandalism, abuse, fire, or trespass on
33 private or governmental property.

34 (2) The prevention, observation, or detection of

1 any unauthorized activity on private or governmental
2 property.

3 (3) The protection of persons authorized to be on
4 the premises of the person, firm, or other entity for
5 which the security contractor contractually provides
6 security services.

7 (4) The prevention of the misappropriation or
8 concealment of goods, money, bonds, stocks, notes,
9 documents, or papers.

10 (5) The control, regulation, or direction of the
11 movement of the public for the time specifically required
12 for the protection of property owned or controlled by the
13 client.

14 (6) The protection of individuals from bodily harm
15 or death (bodyguard functions).

16 "Private security contractor agency" means a person or
17 other entity that engages in the private security contractor
18 business and that employs, in addition to the
19 licensee-in-charge, one or more persons in conducting such
20 business.

21 "Private security contractor licensee-in-charge" means a
22 person who has been designated by a person, association,
23 firm, or corporation to be the licensee-in-charge of an
24 agency, who is a full-time executive employee or owner who
25 assumes sole responsibility for all employees of the agency
26 and for their actions, who assumes sole responsibility for
27 maintaining all records required by this Act, and who assumes
28 sole responsibility for assuring the licensed agency's
29 compliance with its responsibilities as stated in this Act.

30 "Public member" means a person who is not a licensee or
31 related to a licensee, or who is not an employer or employee
32 of a licensee. The term "related to" shall be determined by
33 the rules of the Department.

1 Section 5-15. Legislative intent. The intent of the
2 General Assembly in enacting this statute is to regulate
3 persons and businesses licensed under this Act for the
4 protection of the public. These practices are declared to
5 affect the public health, safety, and welfare and are subject
6 to State regulation and licensure. This Act shall be
7 construed to carry out these purposes.

8 ARTICLE 10. GENERAL LICENSING PROVISIONS.

9 Section 10-5. Requirement of license.

10 (a) It is unlawful for a person to act as or provide the
11 functions of a private detective, private security
12 contractor, private alarm contractor, or locksmith or to
13 advertise or to assume to act as any one of these, or to use
14 these or any title implying that the person is engaged in any
15 of these activities unless licensed as such by the
16 Department. An individual or sole proprietor who does not
17 employ any employees other than himself or herself may
18 operate under a "doing business as" certification without
19 having to obtain an agency license.

20 (b) It is unlawful for a person, firm, or other entity
21 to act as an agency licensed under this Act, to advertise, or
22 to assume to act as a licensed agency or to use a title
23 implying that the person, firm, or other entity is engaged in
24 the practice as a private detective agency, private security
25 contractor agency, private alarm contractor agency, or
26 locksmith agency unless licensed by the Department.

27 (c) Any licensed agency that operates a branch office
28 shall apply for a branch office license for each location.

29 Section 10-10. General exemptions. This Act does not
30 apply to any of the following:

31 (1) A person, firm, or corporation engaging in fire

1 protection engineering, including the design, testing,
2 and inspection of fire protection systems.

3 (2) The practice of professional engineering as
4 defined in the Professional Engineering Practice Act of
5 1989.

6 (3) The practice of structural engineering as
7 defined in the Structural Engineering Practice Act of
8 1989.

9 (4) The practice of architecture as defined in the
10 Illinois Architecture Practice Act of 1989.

11 (5) The activities of persons or firms licensed
12 under the Illinois Public Accounting Act if performed in
13 the course of their professional practice.

14 (6) An attorney licensed to practice in Illinois
15 while engaging in the practice of law.

16 (7) A person engaged exclusively and employed by a
17 person, firm, association, or corporation in the business
18 of transporting persons or property in interstate
19 commerce and making an investigation related to the
20 business of that employer.

21 Section 10-15. Licensure classifications.

22 (a) The types of individual licenses issued pursuant to
23 this Act are:

- 24 (1) Private detective.
- 25 (2) Private security contractor.
- 26 (3) Private alarm contractor.
- 27 (4) Locksmith.

28 (b) The types of business licenses issued pursuant to
29 this Act are:

- 30 (1) Private detective agency.
- 31 (2) Private security contractor agency.
- 32 (3) Private alarm contractor agency.
- 33 (4) Locksmith agency.

1 (5) Agency branch office license.

2 Section 10-20. Application for license; forms.

3 (a) Each license application shall be on forms provided
4 by the Department.

5 (b) Application for a license by endorsement, without
6 examination, shall be made in accordance with the provisions
7 of Section 10-40.

8 (c) Every application for an original, renewal, or
9 restored license shall include the applicant's Social
10 Security number.

11 Section 10-25. Issuance of license; renewal; fees.

12 (a) The Department shall, upon the applicant's
13 satisfactory completion of the requirements set forth in this
14 Act and upon receipt of the fee, issue the license and wallet
15 card indicating the name and business location of the
16 licensee and the dates of issuance and expiration and
17 containing a photograph of the licensee provided to the
18 Department that is not more than one year old as of the date
19 of application for licensure and reflects any recent
20 appearance changes.

21 (b) An applicant may, upon satisfactory completion of
22 the requirements set forth in this Act and upon receipt of
23 fees related to the application and testing for licensure,
24 elect to defer the issuance of the applicant's initial
25 license for a period not longer than 6 years. An applicant
26 who fails to request issuance of his or her initial license
27 or agency license and to remit the fees required for that
28 license within 6 years shall be required to resubmit an
29 application together with all required fees.

30 (c) The expiration date, renewal period, and conditions
31 for renewal and restoration of each license, permanent
32 employee registration card, and firearm authorization card

1 shall be set by rule. The holder may renew the license,
2 permanent employee registration card, or firearm
3 authorization card during the 30 days preceding its
4 expiration by paying the required fee and by meeting
5 conditions that the Department may specify. Any license
6 holder who notifies the Department on forms prescribed by the
7 Department may place his or her license on inactive status
8 for a period of not longer than 6 years and shall, subject to
9 the rules of the Department, be excused from payment of
10 renewal fees until the license holder notifies the
11 Department, in writing, of an intention to resume active
12 status. Practice while on inactive status constitutes
13 unlicensed practice. A non-renewed license that has lapsed
14 for less than 6 years may be restored upon payment of the
15 restoration fee and all lapsed renewal fees. A license that
16 has lapsed for more than 6 years may be restored by paying
17 the required restoration fee and all lapsed renewal fees and
18 by providing evidence of competence to resume practice
19 satisfactory to the Department and the Board, which may
20 include passing a written examination. All restoration fees
21 and lapsed renewal fees shall be waived for an applicant
22 whose license lapsed while on active duty in the armed forces
23 of the United States if application for restoration is made
24 within 12 months after discharge from the service.

25 (d) The Department shall by rule provide for fees for
26 the administration and enforcement of this Act and such fees
27 are nonrefundable. All fees shall be deposited into the
28 General Professions Dedicated Fund and be appropriated to the
29 Department for the ordinary and contingent expenses of the
30 Department in the administration and enforcement of this Act.

31 Section 10-30. Unlawful acts. It is unlawful for a
32 licensee or an employee of a licensed agency:

33 (1) Upon termination of employment by the agency,

1 to fail to return upon demand or within 72 hours of
2 termination of employment any firearm issued by the
3 employer together with the employee's firearm
4 authorization card.

5 (2) Upon termination of employment by the agency,
6 to fail to return within 72 hours of termination of
7 employment any uniform, badge, identification card, or
8 equipment issued, but not sold, to the employee by the
9 agency.

10 (3) To falsify the employee's statement required by
11 this Act.

12 Section 10-35. Examination of applicants; forfeiture of
13 fee.

14 (a) Applicants for licensure shall be examined as
15 provided by this Section if they are qualified to be examined
16 under this Act. All applicants taking the examination shall
17 be evaluated using the same standards as others who are
18 examined for the respective license.

19 (b) Examinations for licensure shall be held at such
20 time and place as the Department may determine, but shall be
21 held at least twice a year.

22 (c) Examinations shall test the amount of knowledge and
23 skill needed to perform the duties set forth in this Act and
24 be in the interest of the protection of the public. All
25 applicants, except locksmith applicants, shall also be
26 examined on subject matter related to this Act, the
27 Constitutions of the United States and the State of Illinois,
28 Illinois government, and the Criminal Code of 1961. The
29 Department may contract with a testing service for the
30 preparation and conduct of the examination.

31 (d) If an applicant neglects, fails, or refuses to take
32 an examination within one year after filing an application,
33 the fee shall be forfeited. However, an applicant may, after

1 the one-year period, make a new application for examination,
2 accompanied by the required fee. If an applicant fails to
3 pass the examination within 3 years after filing an
4 application, the application shall be denied. An applicant
5 may make a new application after the 3-year period.

6 Section 10-40. Licensure by endorsement; reciprocity.
7 The Department shall promulgate rules for licensure by
8 endorsement without examination and may license under this
9 Act upon payment of the fee an applicant who is registered or
10 licensed under the laws of another state, territory, or
11 country if the requirements for registration or licensure in
12 the jurisdiction in which the applicant was licensed or
13 registered were, at the date of his or her registration or
14 licensure, substantially equal to the requirements then in
15 force in Illinois and that state or country has similar
16 requirements for licensure or registration by endorsement.
17 Applicants have 3 years from the date of application to
18 complete the application process. If the process has not been
19 completed in 3 years, the application shall be denied, the
20 fee forfeited, and the applicant must re-apply and meet the
21 requirements in effect at the time of reapplication.

22 Section 10-45. Emergency care without a fee. A license
23 holder, agency, or registered employee of a private security
24 contractor, as defined in Section 5-10 of this Act, who in
25 good faith provides emergency care without fee to any person
26 or takes actions in good faith that directly relate to the
27 employee's job responsibilities to protect people and
28 property, as defined by the areas in which registered
29 security officers receive training under Sections 20-20 and
30 25-20 shall not, as a result of his or her acts or omissions,
31 except willful and wanton misconduct, in providing the care,
32 be liable to a person to whom such care is provided for civil

1 damages.

2 ARTICLE 15. PRIVATE DETECTIVES.

3 Section 15-5. Exemptions; private detective. The
4 provisions of this Act relating to the licensure of private
5 detectives do not apply to any of the following:

6 (1) An employee of the United States, Illinois, or
7 a political subdivision of either while the employee is
8 engaged in the performance of his or her official duties
9 within the scope of his or her employment. However, any
10 such person who offers his or her services as a private
11 detective or uses a similar title when these services are
12 performed for compensation or other consideration,
13 whether received directly or indirectly, is subject to
14 this Act.

15 (2) A person, firm, or other entity engaged
16 exclusively in tracing and compiling lineage or ancestry
17 who does not hold himself or herself out to be a private
18 detective.

19 (3) A person engaged exclusively in obtaining and
20 furnishing information as to the financial rating or
21 credit worthiness of persons or a person who provides
22 reports in connection with (i) consumer credit
23 transactions, (ii) information for employment purposes,
24 or (iii) information for the underwriting of consumer
25 insurance.

26 (4) Insurance adjusters employed or under contract
27 as adjusters who engage in no other investigative
28 activities other than those directly connected with
29 adjustment of claims against an insurance company or a
30 self-insured entity by which they are employed or with
31 which they have a contract. No insurance adjuster or
32 company may use the term "investigation" or any

1 derivative thereof, in its name or in its advertising.

2 Section 15-10. Qualifications for licensure as a private
3 detective.

4 (a) A person is qualified for licensure as a private
5 detective if he or she meets all of the following
6 requirements:

7 (1) Is at least 21 years of age.

8 (2) Has not been convicted of any felony in any
9 jurisdiction or at least 10 years have elapsed since the
10 time of full discharge from a sentence imposed for a
11 felony conviction.

12 (3) Is of good moral character. Good character is a
13 continuing requirement of licensure. Conviction of crimes
14 other than felonies may be used in determining moral
15 character, but shall not constitute an absolute bar to
16 licensure.

17 (4) Has not been declared by any court of competent
18 jurisdiction to be incompetent by reason of mental or
19 physical defect or disease, unless a court has
20 subsequently declared him or her to be competent.

21 (5) Is not suffering from dependence on alcohol or
22 from narcotic addiction or dependence.

23 (6) Has a minimum of 3 years experience of the 5
24 years immediately preceding application working full-time
25 for a licensed private detective agency as a registered
26 private detective agency employee or with 3 years
27 experience of the 5 years immediately preceding his or
28 her application employed as a full-time investigator for
29 a licensed attorney or in a law enforcement agency of a
30 federal or state political subdivision, which shall
31 include a state's attorney's office or a public
32 defender's office. The Board and the Department shall
33 approve such full-time investigator experience. An

1 applicant who has a baccalaureate degree, or higher, in
2 law enforcement or a related field or a business degree
3 from an accredited college or university shall be given
4 credit for 2 of the 3 years of the required experience.

5 An applicant who has an associate degree in law
6 enforcement or in a related field or in business from an
7 accredited college or university shall be given credit
8 for one of the 3 years of the required experience.

9 (7) Has not been dishonorably discharged from the
10 armed forces of the United States or has not been
11 discharged from a law enforcement agency of the United
12 States or of any state or of any political subdivision
13 thereof, which shall include a state's attorney office,
14 for reasons relating to his or her conduct as an employee
15 of that law enforcement agency.

16 (8) Has passed an examination authorized by the
17 Department.

18 (b) It is the responsibility of the applicant to obtain
19 general liability insurance in an amount and coverage
20 appropriate for the applicant's circumstances as determined
21 by rule. The applicant shall provide evidence of insurance to
22 the Department before being issued a license. Failure to
23 maintain general liability insurance and to provide the
24 Department with written proof of the insurance shall result
25 in cancellation of the license.

26 Section 15-15. Qualifications for licensure as a private
27 detective agency.

28 (a) Upon receipt of the required fee and proof that the
29 applicant has a full-time Illinois licensed private
30 detective-in-charge, which is a continuing requirement for
31 agency licensure, the Department shall issue, without
32 examination, a license as a private detective agency to any
33 of the following:

1 (1) An individual who submits an application and is
2 a licensed private detective under this Act.

3 (2) A firm that submits an application and all of
4 the members of the firm are licensed private detectives
5 under this Act.

6 (3) A corporation or limited liability company
7 doing business in Illinois that is authorized by its
8 articles of incorporation or organization to engage in
9 the business of conducting a detective agency, provided
10 at least one full-time executive employee is licensed as
11 a private detective in Illinois and all unlicensed
12 officers and directors are determined by the Department
13 to be persons of good moral character.

14 (b) No private detective may be the licensee-in-charge
15 for more than one private detective agency. Upon written
16 request by a representative of an agency, within 10 days
17 after the loss of a licensee-in-charge of an agency because
18 of the death of that individual or because of the termination
19 of the employment of that individual, the Department shall
20 issue a temporary certificate of authority allowing the
21 continuing operation of the licensed agency. No temporary
22 certificate of authority shall be valid for more than 90
23 days. An extension of an additional 90 days may be granted
24 upon written request by the representative of the agency. Not
25 more than 2 extensions may be granted to any agency.

26 Section 15-25. Training.

27 (a) Registered employees of a private detective agency
28 shall complete, within 30 days of their employment, a minimum
29 of 20 hours of training provided by a qualified instructor.
30 The substance of the training shall be related to the work
31 performed by the registered employee.

32 (b) It is the responsibility of the employer to certify,
33 on a form provided by the Department, that the employee has

1 successfully completed the training. The form shall be a
2 permanent record of training completed by the employee and
3 shall be placed in the employee's file with the employer for
4 the period the employee remains with the employer. An agency
5 may place a notarized copy of the Department form in lieu of
6 the original into the permanent employee registration card
7 file. The original form shall be given to the employee when
8 his or her employment is terminated. Failure to return the
9 original form to the employee is grounds for disciplinary
10 action. The employee shall not be required to repeat the
11 required training once the employee has been issued the form.
12 An employer may provide or require additional training.

13 (c) Any certification of completion of the 20-hour basic
14 training issued under the Private Detective, Private Alarm,
15 Private Security, and Locksmith Act of 1993 or any prior Act
16 shall be accepted as proof of training under this Act.

17 ARTICLE 20. PRIVATE ALARM CONTRACTORS.

18 Section 20-5. Exemptions; private alarm contractor.

19 (a) The provisions of this Act related to the licensure
20 of private alarm contractors do not apply to any of the
21 following:

22 (1) A person who sells alarm system equipment and
23 is not an employee, agent, or independent contractor of
24 an entity that installs, monitors, maintains, alters,
25 repairs, services, or responds to alarm systems at
26 protected premises or premises to be protected if all of
27 the following conditions are met:

28 (A) The alarm systems are approved either by
29 Underwriters Laboratories or another authoritative
30 entity recognized by the Department and identified
31 by a federally-registered trademark.

32 (B) The owner of the trademark has authorized

1 the person to sell the trademark owner's products
2 and the person provides proof to the Department of
3 this authorization.

4 (C) The owner of the trademark provides, upon
5 the Department's request, proof of liability
6 insurance for bodily injury or property damage from
7 defective products of not less than \$1,000,000
8 combined single limit. The insurance policy need not
9 apply exclusively to alarm systems.

10 (2) A person who sells, installs, maintains, or
11 repairs automobile alarm systems.

12 (3) A licensed electrical contractor who repairs or
13 services fire alarm systems on an emergency call-in basis
14 or who sells, installs, maintains, alters, repairs, or
15 services only fire alarm systems and not alarm or other
16 security related electronic systems.

17 (b) Persons who have no access to confidential or
18 security information and who otherwise do not provide
19 traditional security services are exempt from employee
20 registration. Examples of exempt employees include, but are
21 not limited to, employees working in the capacity of delivery
22 drivers, reception personnel, building cleaning, landscape
23 and maintenance personnel, and employees involved in vehicle
24 and equipment repair. Confidential or security information is
25 that which pertains to employee files, scheduling, client
26 contracts, or technical security and alarm data.

27 Section 20-10. Qualifications for licensure as a private
28 alarm contractor.

29 (a) A person is qualified for licensure as a private
30 alarm contractor if he or she meets all of the following
31 requirements:

32 (1) Is at least 21 years of age.

33 (2) Has not been convicted of any felony in any

1 jurisdiction or at least 10 years have elapsed since the
2 time of full discharge from a sentence imposed for a
3 felony conviction.

4 (3) Is of good moral character. Good moral
5 character is a continuing requirement of licensure.
6 Conviction of crimes other than felonies may be used in
7 determining moral character, but shall not constitute an
8 absolute bar to licensure.

9 (4) Has not been declared by any court of competent
10 jurisdiction to be incompetent by reason of mental or
11 physical defect or disease, unless a court has
12 subsequently declared him or her to be competent.

13 (5) Is not suffering from dependence on alcohol or
14 from narcotic addiction or dependence.

15 (6) Has a minimum of 3 years experience of the 5
16 years immediately preceding application working as a
17 full-time manager for a licensed private alarm contractor
18 agency or for an entity that designs, sells, installs,
19 services, or monitors alarm systems that, in the judgment
20 of the Board, satisfies the standards of alarm industry
21 competence. An applicant who has received a 4-year degree
22 or higher in electrical engineering or a related field
23 from a program approved by the Board shall be given
24 credit for 2 years of the required experience. An
25 applicant who has successfully completed a national
26 certification program approved by the Board shall be
27 given credit for one year of the required experience.

28 (7) Has not been dishonorably discharged from the
29 armed forces of the United States.

30 (8) Has passed an examination authorized by the
31 Department.

32 (9) Submits the photographs, fingerprints, proof of
33 having general liability insurance required under
34 subsection (b), and the required license fee.

1 (10) Has not violated Section 5-5 of this Act.

2 (b) It is the responsibility of the applicant to obtain
3 general liability insurance in an amount and coverage
4 appropriate for the applicant's circumstances as determined
5 by rule. The applicant shall provide evidence of insurance to
6 the Department before being issued a license. Failure to
7 maintain general liability insurance and to provide the
8 Department with written proof of the insurance shall result
9 in cancellation of the license.

10 Section 20-15. Qualifications for licensure as a private
11 alarm contractor agency.

12 (a) Upon receipt of the required fee and proof that the
13 applicant has a full-time Illinois licensed private alarm
14 contractor-in-charge, which is a continuing requirement for
15 agency licensure, the Department shall issue, without
16 examination, a license as a private alarm contractor agency
17 to any of the following:

18 (1) An individual who submits an application and is
19 a licensed private alarm contractor under this Act.

20 (2) A firm that submits an application and all of
21 the members of the firm are licensed private alarm
22 contractors under this Act.

23 (3) A corporation or limited liability company
24 doing business in Illinois that is authorized by its
25 articles of incorporation or organization to engage in
26 the business of conducting a private alarm contractor
27 agency if at least one executive employee is licensed as
28 a private alarm contractor under this Act and all
29 unlicensed officers and directors of the corporation or
30 limited liability company are determined by the
31 Department to be persons of good moral character.

32 (b) No private alarm contractor may be the private alarm
33 contractor-in-charge for more than one private alarm

1 contractor agency. Upon written request by a representative
2 of an agency, within 10 days after the loss of a licensed
3 private alarm contractor-in-charge of an agency because of
4 the death of that individual or because of the termination of
5 the employment of that individual, the Department shall issue
6 a temporary certificate of authority allowing the continuing
7 operation of the licensed agency. No temporary certificate of
8 authority shall be valid for more than 90 days. An extension
9 of an additional 90 days may be granted upon written request
10 by the representative of the agency. Not more than 2
11 extensions may be granted to any agency.

12 (c) No private alarm contractor, private alarm
13 contractor agency, or person may install or connect an alarm
14 system or fire alarm system that connects automatically and
15 directly to a governmentally operated police or fire dispatch
16 system in a manner that violates subsection (a) of Section
17 15.2 of the Emergency Telephone System Act. In addition to
18 the penalties provided by the Emergency Telephone System Act,
19 a private alarm contractor agency that violates this Section
20 shall pay the Department an additional penalty of \$250 per
21 occurrence.

22 Section 20-20. Training.

23 (a) Registered employees of the private alarm contractor
24 agency who carry a firearm and respond to alarm systems shall
25 complete, within 30 days of their employment, a minimum of 20
26 hours of classroom training provided by a qualified
27 instructor and shall include all of the following subjects:

28 (1) The law regarding arrest and search and seizure
29 as it applies to the private alarm industry.

30 (2) Civil and criminal liability for acts related
31 to the private alarm industry.

32 (3) The use of force.

33 (4) Arrest and control techniques.

1 (5) The offenses under the Criminal Code of 1961
2 that are directly related to the protection of persons
3 and property.

4 (6) The law on private alarm forces and on
5 reporting to law enforcement agencies.

6 (7) Fire prevention, fire equipment, and fire
7 safety.

8 (8) The procedures for service of process and for
9 report writing.

10 (9) Civil rights and public relations.

11 (b) All other employees of a private alarm contractor
12 agency shall complete a minimum of 20 hours of training
13 provided by a qualified instructor within 30 days of their
14 employment. The substance of the training shall be related to
15 the work performed by the registered employee.

16 (c) It is the responsibility of the employer to certify,
17 on a form provided by the Department, that the employee has
18 successfully completed the training. The form shall be a
19 permanent record of training completed by the employee and
20 shall be placed in the employee's file with the employer for
21 the period the employee remains with the employer. A private
22 alarm contractor agency may place a notarized copy of the
23 Department form in lieu of the original into the permanent
24 employee registration card file. The original form shall be
25 given to the employee when his or her employment is
26 terminated. Failure to return the original form to the
27 employee is grounds for disciplinary action. The employee
28 shall not be required to repeat the required training once
29 the employee has been issued the form. An employer may
30 provide or require additional training.

31 (d) Any certification of completion of the 20-hour basic
32 training issued under the Private Detective, Private Alarm,
33 Private Security, and Locksmith Act of 1993 or any prior Act
34 shall be accepted as proof of training under this Act.

1 ARTICLE 25. PRIVATE SECURITY CONTRACTORS.

2 Section 25-5. Exemptions; private security contractor.
3 The provisions of this Act related to licensure of a private
4 security contractor do not apply to any of the following:

5 (1) An employee of the United States, Illinois, or
6 a political subdivision of either while the employee is
7 engaged in the performance of his or her official duties
8 within the scope of his or her employment. However, any
9 such person who offers his or her services as a private
10 security contractor or uses a similar title when these
11 services are performed for compensation or other
12 consideration, whether received directly or indirectly,
13 is subject to this Act.

14 (2) A person employed as either an armed or unarmed
15 security officer at a nuclear energy, storage, weapons,
16 or development site or facility regulated by the United
17 States Nuclear Regulatory Commission who has completed
18 the background screening and training mandated by the
19 regulations of the United States Nuclear Regulatory
20 Commission.

21 (3) A person, watchman, or proprietary security
22 officer employed exclusively by only one employer in
23 connection with the exclusive activities of that
24 employer.

25 Section 25-10. Qualifications for licensure as a private
26 security contractor.

27 (a) A person is qualified for licensure as a private
28 security contractor if he or she meets all of the following
29 requirements:

30 (1) Is at least 21 years of age.

31 (2) Has not been convicted of any felony in any
32 jurisdiction or at least 10 years have elapsed since the

1 time of full discharge from a sentence imposed for a
2 felony conviction.

3 (3) Is of good moral character. Good character is a
4 continuing requirement of licensure. Conviction of crimes
5 other than felonies may be used in determining moral
6 character, but shall not constitute an absolute bar to
7 licensure.

8 (4) Has not been declared by any court of competent
9 jurisdiction to be incompetent by reason of mental or
10 physical defect or disease, unless a court has
11 subsequently declared him or her to be competent.

12 (5) Is not suffering from dependence on alcohol or
13 from narcotic addiction or dependence.

14 (6) Has a minimum of 3 years experience of the 5
15 years immediately preceding application working as a
16 full-time manager for a licensed private security
17 contractor agency or a manager of a proprietary security
18 force of 30 or more persons registered with the
19 Department or with 3 years experience of the 5 years
20 immediately preceding his or her application employed as
21 a full-time supervisor in a law enforcement agency of a
22 federal or state political subdivision, which shall
23 include a state's attorney's office or public defender's
24 office. The Board and the Department shall approve such
25 full-time supervisory experience. An applicant who has a
26 baccalaureate degree or higher in police science or a
27 related field or a business degree from an accredited
28 college or university shall be given credit for 2 of the
29 3 years of the required experience. An applicant who has
30 an associate degree in police science or in a related
31 field or in business from an accredited college or
32 university shall be given credit for one of the 3 years
33 of the required experience.

34 (7) Has not been dishonorably discharged from the

1 armed forces of the United States.

2 (8) Has passed an examination authorized by the
3 Department.

4 (b) It is the responsibility of the applicant to obtain
5 general liability insurance in an amount and coverage
6 appropriate for the applicant's circumstances as determined
7 by rule. The applicant shall provide evidence of insurance to
8 the Department before being issued a license. Failure to
9 maintain general liability insurance and to provide the
10 Department with written proof of the insurance shall result
11 in cancellation of the license.

12 Section 25-15. Qualifications for licensure as a private
13 security contractor agency.

14 (a) Upon receipt of the required fee and proof that the
15 applicant has a full-time Illinois licensed private security
16 contractor-in-charge, which is a continuing requirement for
17 agency licensure, the Department shall issue, without
18 examination, a license as a private security contractor
19 agency to any of the following:

20 (1) An individual who submits an application and is
21 a licensed private security contractor under this Act.

22 (2) A firm that submits an application and all of
23 the members of the firm are licensed private security
24 contractors under this Act.

25 (3) A corporation or limited liability company
26 doing business in Illinois that is authorized by its
27 articles of incorporation or organization to engage in
28 the business of conducting a private security contractor
29 agency if at least one officer or executive employee is
30 licensed as a private security contractor by this Act and
31 all unlicensed officers and directors are determined by
32 the Department to be persons of good moral character.

33 (b) No private security contractor may be the private

1 security contractor licensee-in-charge for more than one
2 private security contractor agency. Upon written request by a
3 representative of the agency, within 10 days after the loss
4 of a private security contractor licensee-in-charge of an
5 agency because of the death of that individual or because of
6 the termination of the employment of that individual, the
7 Department shall issue a temporary certificate of authority
8 allowing the continuing operation of the licensed agency. No
9 temporary certificate of authority shall be valid for more
10 than 90 days. An extension of an additional 90 days may be
11 granted upon written request by the representative of the
12 agency. Not more than 2 extensions may be granted to any
13 agency.

14 Section 25-20. Training.

15 (a) Registered employees of the private security
16 contractor agency who provide traditional guarding or other
17 private security related functions or who respond to alarm
18 systems shall complete, within 30 days of their employment, a
19 minimum of 20 hours of classroom training provided by a
20 qualified instructor, which shall include the following
21 subjects:

22 (1) The law regarding arrest and search and seizure
23 as it applies to private security.

24 (2) Civil and criminal liability for acts related
25 to private security.

26 (3) The use of force.

27 (4) Arrest and control techniques.

28 (5) The offenses under the Criminal Code of 1961
29 that are directly related to the protection of persons
30 and property.

31 (6) The law on private security forces and on
32 reporting to law enforcement agencies.

33 (7) Fire prevention, fire equipment, and fire

1 safety.

2 (8) The procedures for service of process and for
3 report writing.

4 (9) Civil rights and public relations.

5 (b) All other employees of a private security contractor
6 agency shall complete a minimum of 20 hours of training
7 provided by the qualified instructor within 30 days of their
8 employment. The substance of the training shall be related to
9 the work performed by the registered employee.

10 (c) Registered employees of the private security
11 contractor shall complete, within 6 months of the start of
12 their employment, an additional 8 hours of on-the-job
13 training.

14 (d) Registered employees of a private security
15 contractor agency, with a minimum of one year of employment,
16 who provide traditional guarding or other private security
17 related functions, shall complete on an annual calendar year
18 basis a minimum of 8 hours of on-the-job training to meet
19 site specific requirements. The foregoing on-the-job
20 training is in addition to the basic training required under
21 this Section.

22 (e) It is the responsibility of the employer to certify,
23 on a form provided by the Department, that the employee has
24 successfully completed the training. The form shall be a
25 permanent record of training completed by the employee and
26 shall be placed in the employee's file with the employer for
27 the period the employee remains with the employer. An agency
28 may place a notarized copy of the Department form in lieu of
29 the original into the permanent employee registration card
30 file. The original form shall be given to the employee when
31 his or her employment is terminated. Failure to return the
32 original form to the employee is grounds for disciplinary
33 action. The employee shall not be required to repeat the
34 required training once the employee has been issued the form.

1 An employer may provide or require additional training.

2 (f) Any certification of completion of the 20-hour basic
3 training issued under the Private Detective, Private Alarm,
4 Private Security and Locksmith Act of 1993 or any prior Act
5 shall be accepted as proof of training under this Act.

6 Section 25-30. Uniforms.

7 (a) No licensee under this Act or any employee of a
8 licensed agency shall wear or display a badge, shoulder patch
9 or other identification that contains the words "law
10 enforcement". No license holder or employee of a licensed
11 agency shall imply in any manner that the person is an
12 employee or agent of a governmental entity, display a badge
13 or identification card, emblem, or uniform using the words
14 "police", "sheriff", "highway patrol", "trooper", "law
15 enforcement" or any similar term.

16 (b) All full uniforms, if worn, by employees of a
17 licensed private security contractor agency, must bear the
18 name of the private security contractor agency, which shall
19 be plainly visible on a patch, badge, or other insignia.

20 ARTICLE 30. LOCKSMITHS.

21 Section 30-5. Exemptions; locksmith. The provisions of
22 this Act do not apply to any of the following if the person
23 performing the service does not hold himself or herself out
24 as a locksmith:

25 (1) Automobile service dealers who service,
26 install, repair, or rebuild automobile locks.

27 (2) Police officers who open a lock on an emergency
28 dispatch situation.

29 (3) A retail merchant selling locks or similar
30 security accessories, duplicating keys, or installing,
31 programming, or servicing electronic garage door devices.

1 (4) A member of the building trades who installs or
2 removes complete locks or locking devices in the course
3 of residential or commercial new construction or
4 remodeling.

5 (5) An employee of a towing service, reposessor,
6 or automobile club opening automotive locks in the normal
7 course of his or her duties. Additionally, this Act shall
8 not prohibit an employee of a towing service from opening
9 motor vehicles to enable a vehicle to be moved without
10 towing, provided the towing service does not hold itself
11 out to the public, by directory advertisement, through a
12 sign at the facilities of the towing service, or by any
13 other form of advertisement, as a locksmith.

14 (6) A student in the course of study in locksmith
15 programs approved by the Department.

16 (7) Warranty service by a lock manufacturer or its
17 employees on the manufacturer's own products.

18 (8) A maintenance employee of a property management
19 company at a multi-family residential building who
20 services, installs, repairs, or opens locks for tenants.

21 (9) A person employed exclusively by only one
22 employer in connection with the exclusive activities of
23 that employer, providing that person does not hold
24 himself or herself out to the public as a locksmith.

25 (10) Persons who have no access to confidential or
26 security information and who otherwise do not provide
27 traditional locksmith services, as defined in this Act,
28 are exempt from employee registration. Examples of exempt
29 employees include, but are not limited to, employees
30 working in the capacity of key cutters, cashiers,
31 drivers, and reception personnel. Confidential or
32 security information is that which pertains to employee
33 files, scheduling, client contracts, master key charts,
34 access codes, or technical security and alarm data.

1 Section 30-10. Qualifications for licensure as a
2 locksmith.

3 (a) A person is qualified for licensure as a locksmith
4 if he or she meets all of the following requirements:

5 (1) Is at least 18 years of age.

6 (2) Has not been convicted of any felony in any
7 jurisdiction or at least 10 years have elapsed since the
8 time of full discharge from a sentence imposed for a
9 felony conviction.

10 (3) Is of good moral character. Good moral
11 character is a continuing requirement of licensure.
12 Conviction of crimes other than felonies may be used in
13 determining moral character, but shall not constitute an
14 absolute bar to licensure.

15 (4) Has not been declared by any court of competent
16 jurisdiction to be incompetent by reason of mental or
17 physical defect or disease, unless a court has
18 subsequently declared him or her to be competent.

19 (5) Is not suffering from dependence on alcohol or
20 from narcotic addiction or dependence.

21 (6) Has not been dishonorably discharged from the
22 armed forces of the United States.

23 (7) Has passed an examination authorized by the
24 Department.

25 (8) Submits the photographs, the fingerprints,
26 proof of having general liability insurance required
27 under subsection (b), and the required license fee.

28 (9) Has not violated Section 10-5 of this Act.

29 (b) It is the responsibility of the applicant to obtain
30 general liability insurance in an amount and coverage
31 appropriate for the applicant's circumstances as determined
32 by rule. The applicant shall provide evidence of insurance to
33 the Department before being issued a license. Failure to
34 maintain general liability insurance and to provide the

1 Department with written proof of the insurance shall result
2 in cancellation of the license. A locksmith employed by a
3 licensed locksmith agency or employed by a private concern
4 may provide proof that his or her actions as a locksmith are
5 covered by the liability insurance of his or her employer.

6 Section 30-15. Qualifications for licensure as a
7 locksmith agency.

8 (a) Upon receipt of the required fee and proof that the
9 applicant is an Illinois licensed locksmith who shall assume
10 responsibility for the operation of the agency and the
11 directed actions of the agency's employees, which is a
12 continuing requirement for agency licensure, the Department
13 shall issue, without examination, a license as a locksmith
14 agency to any of the following:

15 (1) An individual who submits an application and is
16 a licensed locksmith under this Act.

17 (2) A firm that submits an application and all of
18 the members of the firm are licensed locksmiths under
19 this Act.

20 (3) A corporation or limited liability company
21 doing business in Illinois that is authorized by its
22 articles of incorporation or organization to engage in
23 the business of conducting a locksmith agency if at least
24 one officer or executive employee is a licensed locksmith
25 under this Act and all unlicensed officers and directors
26 of the corporation or limited liability company are
27 determined by the Department to be persons of good moral
28 character.

29 (b) An individual licensed as a locksmith operating
30 under a business name registered with the Department other
31 than the licensed locksmith's own name shall not be required
32 to obtain a locksmith agency license if that licensed
33 locksmith does not employ any persons to engage in the

1 practice of locksmithing.

2 (c) An applicant for licensure as a locksmith agency
3 shall submit to the Department proof of general liability
4 insurance sufficient for the agency's business circumstances.
5 The Department shall, by rule, specify the minimum general
6 liability insurance requirements. Failure to maintain the
7 general liability insurance shall result in cancellation of
8 the license.

9 (d) No locksmith may be the locksmith licensee in-charge
10 for more than one locksmith agency. Upon written request by a
11 representative of the agency, within 10 days after the loss
12 of a locksmith-in-charge of an agency because of the death of
13 that individual or because of the termination of the
14 employment of that individual, the Department shall issue a
15 temporary certificate of authority allowing the continuing
16 operation of the licensed agency. No temporary certificate of
17 authority shall be valid for more than 90 days. An extension
18 of an additional 90 days may be granted upon written request
19 by the representative of the agency. Not more than 2
20 extensions may be granted to any agency.

21 Section 30-20. Training.

22 (a) Registered employees of a licensed locksmith agency
23 shall complete a minimum of 20 hours of training provided by
24 a qualified instructor within 30 days of their employment.
25 The substance of the training shall be prescribed by rule.

26 (b) It is the responsibility of the employer to certify,
27 on a form provided by the Department, that the employee has
28 successfully completed the training. The form shall be a
29 permanent record of training completed by the employee and
30 shall be placed in the employee's file with the employer for
31 the period the employee remains with the employer. An agency
32 may place a notarized copy of the Department form in lieu of
33 the original into the PERC file. The original form shall be

1 given to the employee when his or her employment is
2 terminated. Failure to return the original form to the
3 employee is grounds for disciplinary action. The employee
4 shall not be required to repeat the required training once
5 the employee has been issued the form. An employer may
6 provide or require additional training.

7 (c) Any certification of completion of the 20-hour basic
8 training issued under the Private Detective, Private Alarm,
9 Private Security and Locksmith Act of 1993 or any prior Act
10 shall be accepted as proof of training under this Act.

11 Section 30-25. Customer identification; record keeping.

12 (a) A locksmith who bypasses, manipulates, or originates
13 a first key by code for a device safeguarding an area where
14 access is meant to be limited, whether or not for
15 compensation, shall document where the work was performed and
16 the name, address, date of birth, telephone number, and
17 driver's license number or other identification number of the
18 person requesting the work to be done and shall obtain the
19 signature of that person. This documentation shall be
20 retained by the locksmith for at least 2 years and shall be
21 available for inspection upon written request made at least 3
22 days in advance by a law enforcement agency.

23 (b) A locksmith who bypasses, manipulates, or originates
24 a first key for a motor vehicle, whether or not for
25 compensation, shall document the name, address, date of
26 birth, telephone number, vehicle identification number, and
27 driver's license number or other identification number of the
28 person requesting entry and obtain the signature of that
29 person. Documentation shall be retained by the locksmith for
30 at least 2 years and shall be available for inspection upon
31 written request made at least 3 days in advance by a law
32 enforcement agency.

1 ARTICLE 35. BUSINESS PRACTICE PROVISIONS.

2 Section 35-5. Display of license. Each licensee shall
3 prominently display his or her individual, agency, or branch
4 office license at each place where business is being
5 conducted, as required under this Act.

6 Section 35-10. Inspection of facilities. Each licensee
7 shall permit his or her office facilities and registered
8 employee files to be audited or inspected at reasonable times
9 and in a reasonable manner upon 24 hours notice by the
10 Department.

11 Section 35-15. Advertisements; penalties.

12 (a) No licensee providing services regulated by this Act
13 may knowingly advertise those services without including his
14 or her license number in the advertisement. The publisher of
15 the advertising, however, is not required to verify the
16 accuracy of the advertisement or the license number.

17 (b) A licensee who advertises services regulated by this
18 Act who knowingly (i) fails to display his or her license at
19 his or her place of business, (ii) fails to provide the
20 publisher with the current license number, or (iii) provides
21 the publisher with a false license number or a license number
22 other than that of the person or agency doing the advertising
23 or a licensee who knowingly allows his or her license number
24 to be displayed or used by another person or agency to
25 circumvent any provision of this subsection, is guilty of a
26 Class A misdemeanor. Each day an advertisement is published
27 or a licensee allows his or her license to be used in
28 violation of this Section constitutes a separate offense. In
29 addition to the penalties and remedies provided in this
30 Section, a licensee who violates any provision of this
31 Section shall be subject to the disciplinary action, fines,

1 and civil penalty provisions of this Act.

2 Section 35-20. Renewal provisions.

3 (a) As a condition of renewal of a license, each
4 licensee shall report information pertaining to the
5 licensee's business location, status as active or inactive,
6 proof of continued general liability insurance coverage, and
7 any other data as determined by rule to be reasonably related
8 to the administration of this Act. Licensees shall report
9 this information as a condition of renewal, except that a
10 change in home or office address or a change of the
11 licensee-in-charge shall be reported within 10 days of when
12 it occurs.

13 (b) Upon renewal, every licensee shall report to the
14 Department every instance during the licensure period in
15 which the quality of his or her professional services in the
16 State of Illinois was the subject of legal action that
17 resulted in a settlement or a verdict in excess of \$10,000.

18 Section 35-25. Duplicate licenses. If a license,
19 permanent employee registration card, or firearm
20 authorization card is lost, a duplicate shall be issued upon
21 proof of such loss together with the payment of the required
22 fee. If a licensee decides to change his or her name, the
23 Department shall issue a license in the new name upon proof
24 that the change was done pursuant to law and payment of the
25 required fee. Notification of a name change shall be made to
26 the Department within 30 days after the change.

27 Section 35-30. Employee requirements. All employees of a
28 licensed agency, other than those exempted, shall apply for a
29 permanent employee registration card. The holder of an agency
30 license issued under this Act, known in this Section as
31 "employer", may employ in the conduct of his or her business

1 employees under the following provisions:

2 (1) No person shall be issued a permanent employee
3 registration card who:

4 (A) Is younger than 18 years of age.

5 (B) Is younger than 21 years of age if the services
6 will include being armed.

7 (C) Has been determined by the Department to be
8 unfit by reason of conviction of an offense in this or
9 another state, other than a traffic offense. The
10 Department shall adopt rules for making those
11 determinations that shall afford the applicant due
12 process of law.

13 (D) Has had a license or permanent employee
14 registration card denied, suspended, or revoked under
15 this Act within the previous 12 months from the date of
16 the denial, suspension, or revocation.

17 (E) Has been declared incompetent by any court of
18 competent jurisdiction by reason of mental disease or
19 defect and has not been restored.

20 (F) Has been dishonorably discharged from the armed
21 services of the United States.

22 (2) No person may be employed by a private detective
23 agency, private security contractor agency, private alarm
24 contractor agency, or locksmith agency under this Section
25 until he or she has executed and furnished to the employer,
26 on forms furnished by the Department, a verified statement to
27 be known as "Employee's Statement" setting forth:

28 (A) The person's full name, age, and residence
29 address.

30 (B) The business or occupation engaged in for the 5
31 years immediately before the date of the execution of the
32 statement, the place where the business or occupation was
33 engaged in, and the names of employers, if any.

34 (C) That the person has not had a license or

1 employee registration denied, revoked, or suspended under
2 this Act.

3 (D) Any conviction of a felony or misdemeanor.

4 (E) Any declaration of incompetence by a court of
5 competent jurisdiction that has not been restored.

6 (F) Any dishonorable discharge from the armed
7 services of the United States.

8 (G) Any other information as may be required by any
9 rule of the Department to show the good character,
10 competency, and integrity of the person executing the
11 statement.

12 (c) Each applicant for a permanent employee registration
13 card shall have his or her fingerprints submitted to the
14 Department of State Police in an electronic format that
15 complies with the form and manner for requesting and
16 furnishing criminal history record information as prescribed
17 by the Department of State Police. These fingerprints shall
18 be checked against the Department of State Police and Federal
19 Bureau of Investigation criminal history record databases now
20 and hereafter filed. The Department of State Police shall
21 charge applicants a fee for conducting the criminal history
22 records check, which shall be deposited in the State Police
23 Services Fund and shall not exceed the actual cost of the
24 records check. The Department of State Police shall furnish
25 positive records of Illinois convictions to the Department.
26 The Department may require applicants to pay a separate
27 fingerprinting fee, either to the Department or directly to
28 the vendor. The Department, at its discretion, may allow an
29 applicant who does not have reasonable access to a vendor to
30 provide his or her fingerprints in another manner. The
31 Department, at its discretion, may also use other procedures
32 in performing or obtaining criminal checks of applicants.
33 Instead of submitting his or her fingerprints, an individual
34 may submit proof that is satisfactory to the Department that

1 an equivalent security clearance has been conducted. Also, an
2 individual who has retired as a peace officer within 12
3 months of application may submit verification, on forms
4 provided by the Department and signed by his or her employer,
5 of his or her previous full-time employment as a peace
6 officer.

7 (d) The Department shall issue a permanent employee
8 registration card, in a form the Department prescribes, to
9 all qualified applicants. The Department shall notify the
10 submitting licensed agency within 10 days upon the issuance
11 of or intent to deny the permanent employee registration
12 card. The holder of a permanent employee registration card
13 shall carry the card at all times while actually engaged in
14 the performance of the duties of his or her employment.
15 Expiration and requirements for renewal of permanent employee
16 registration cards shall be established by rule of the
17 Department.

18 Possession of a permanent employee registration card does
19 not in any way imply that the holder of the card is employed
20 by an agency unless the permanent employee registration card
21 is accompanied by the employee identification card required
22 by subsection (f) of this Section.

23 (e) Each employer shall maintain a record of each
24 employee that is accessible to the duly authorized
25 representatives of the Department. The record shall contain
26 the following information:

27 (1) A photograph taken within 10 days of the date
28 that the employee begins employment with the employer.
29 The photograph shall be replaced with a current
30 photograph every 3 calendar years.

31 (2) The Employee's Statement specified in
32 subsection (b) of this Section.

33 (3) All correspondence or documents relating to the
34 character and integrity of the employee received by the

1 employer from any official source or law enforcement
2 agency.

3 (4) In the case of former employees, the employee
4 identification card of that person issued under
5 subsection (f) of this Section. Each employee record
6 shall duly note if the employee is employed in an armed
7 capacity. Armed employee files shall contain a copy of an
8 active firearm owner's identification card and a copy of
9 an active firearm authorization card. Each employer shall
10 maintain a record for each armed employee of each
11 instance in which the employee's weapon was discharged
12 during the course of his or her professional duties or
13 activities. The record shall be maintained on forms
14 provided by the Department, a copy of which must be filed
15 with the Department within 15 days of an instance. The
16 record shall include the date and time of the occurrence,
17 the circumstances involved in the occurrence, and any
18 other information as the Department may require. Failure
19 to provide this information to the Department or failure
20 to maintain the record as a part of each armed employee's
21 permanent file is grounds for disciplinary action. The
22 Department, upon receipt of a report, shall have the
23 authority to make any investigation it considers
24 appropriate into any occurrence in which an employee's
25 weapon was discharged and to take disciplinary action as
26 may be appropriate.

27 (5) The Department may, by rule, prescribe further
28 record requirements.

29 (f) Every employer shall furnish an employee
30 identification card to each of his or her employees. This
31 employee identification card shall contain a recent
32 photograph of the employee, the employee's name, the name and
33 agency license number of the employer, the employee's
34 personal description, the signature of the employer, the

1 signature of that employee, the date of issuance, and an
2 employee identification card number.

3 (g) No employer may issue an employee identification
4 card to any person who is not employed by the employer in
5 accordance with this Section or falsely state or represent
6 that a person is or has been in his or her employ. It is
7 unlawful for an applicant for registered employment to file
8 with the Department the fingerprints of a person other than
9 himself or herself.

10 (h) Every employer shall obtain the identification card
11 of every employee who terminates employment with him or her.

12 (i) Every employer shall maintain a separate roster of
13 the names of all employees currently working in an armed
14 capacity and submit the roster to the Department on request.

15 (j) No agency may employ any person to perform a
16 licensed activity under this Act unless the person possesses
17 a valid permanent employee registration card or a valid
18 license under this Act, or is exempt pursuant to subsection
19 (n).

20 (k) Notwithstanding the provisions of subsection (j), an
21 agency may employ a person in a temporary capacity if all of
22 the following conditions are met:

23 (1) The agency completes in its entirety and
24 submits to the Department an application for a permanent
25 employee registration card, including the required
26 fingerprint receipt and fees.

27 (2) The agency has verification from the Department
28 that the applicant has no record of any criminal
29 conviction pursuant to the criminal history check
30 conducted by the Department of State Police. The agency
31 shall maintain the verification of the results of the
32 Department of State Police criminal history check as part
33 of the employee record as required under subsection (e)
34 of this Section.

1 (3) The agency exercises due diligence to ensure
2 that the person is qualified under the requirements of
3 the Act to be issued a permanent employee registration
4 card.

5 (4) The agency maintains a separate roster of the
6 names of all employees whose applications are currently
7 pending with the Department and submits the roster to the
8 Department on a monthly basis. Rosters are to be
9 maintained by the agency for a period of at least 24
10 months.

11 An agency may employ only a permanent employee applicant
12 for which it either submitted a permanent employee
13 application and all required forms and fees or it confirms
14 with the Department that a permanent employee application and
15 all required forms and fees have been submitted by another
16 agency, licensee or the permanent employee and all other
17 requirements of this Section are met.

18 The Department shall have the authority to revoke,
19 without a hearing, the temporary authority of an individual
20 to work upon receipt of Federal Bureau of Investigation
21 fingerprint data or a report of another official authority
22 indicating a criminal conviction. If the Department has not
23 received a temporary employee's Federal Bureau of
24 Investigation fingerprint data within 120 days of the date
25 the Department received the Department of State Police
26 fingerprint data, the Department may, at its discretion,
27 revoke the employee's temporary authority to work with 15
28 days written notice to the individual and the employing
29 agency.

30 An agency may not employ a person in a temporary capacity
31 if it knows or reasonably should have known that the person
32 has been convicted of a crime under the laws of this State,
33 has been convicted in another state of any crime that is a
34 crime under the laws of this State, has been convicted of any

1 crime in a federal court, or has been posted as an unapproved
2 applicant by the Department. Notice by the Department to the
3 agency, via certified mail, personal delivery, electronic
4 mail, or posting on the Department's Internet site accessible
5 to the agency that the person has been convicted of a crime
6 shall be deemed constructive knowledge of the conviction on
7 the part of the agency.

8 The Department may adopt rules to implement this
9 subsection (k).

10 (l) No person may be employed under this Section in any
11 capacity if:

12 (1) the person, while so employed, is being paid by
13 the United States or any political subdivision for the
14 time so employed in addition to any payments he or she
15 may receive from the employer; or

16 (2) the person wears any portion of his or her
17 official uniform, emblem of authority, or equipment while
18 so employed.

19 (m) If information is discovered affecting the
20 registration of a person whose fingerprints were submitted
21 under this Section, the Department shall so notify the agency
22 that submitted the fingerprints on behalf of that person.

23 (n) Peace officers shall be exempt from the requirements
24 of this Section relating to permanent employee registration
25 cards. The agency shall remain responsible for any peace
26 officer employed under this exemption, regardless of whether
27 the peace officer is compensated as an employee or as an
28 independent contractor and as further defined by rule.

29 (o) Persons who have no access to confidential or
30 security information and who otherwise do not provide
31 traditional security services are exempt from employee
32 registration. Examples of exempt employees include, but are
33 not limited to, employees working in the capacity of ushers,
34 directors, ticket takers, cashiers, drivers, and reception

1 personnel. Confidential or security information is that which
2 pertains to employee files, scheduling, client contracts, or
3 technical security and alarm data.

4 Section 35-35. Requirement of a firearm authorization
5 card.

6 (a) No person shall perform duties that include the use,
7 carrying, or possession of a firearm in the performance of
8 those duties without complying with the provisions of this
9 Section and having been issued a valid firearm authorization
10 card by the Department.

11 (b) No employer shall employ any person to perform the
12 duties for which employee registration is required and allow
13 that person to carry a firearm unless that person has
14 complied with all the firearm training requirements of this
15 Section and has been issued a firearm authorization card.
16 This Act permits only the following to carry firearms while
17 actually engaged in the performance of their duties or while
18 commuting directly to or from their places of employment:
19 persons licensed as private detectives and their registered
20 employees; persons licensed as private security contractors
21 and their registered employees; persons licensed as private
22 alarm contractors and their registered employees; and
23 employees of a registered armed proprietary security force.

24 (c) Possession of a valid firearm authorization card
25 allows an employee to carry a firearm not otherwise
26 prohibited by law while the employee is engaged in the
27 performance of his or her duties or while the employee is
28 commuting directly to or from the employee's place or places
29 of employment, provided that this is accomplished within one
30 hour from departure from home or place of employment.

31 (d) The Department shall issue a firearm authorization
32 card to a person who has passed an approved firearm training
33 course, who is currently employed by an agency licensed by

1 this Act and has met all the requirements of this Act, and
2 who possesses a valid firearm owner identification card.
3 Application for the firearm authorization card shall be made
4 by the employer to the Department on forms provided by the
5 Department. The Department shall forward the card to the
6 employer who shall be responsible for its issuance to the
7 employee. The firearm authorization card shall be issued by
8 the Department and shall identify the person holding it and
9 the name of the course where the employee received firearm
10 instruction and shall specify the type of weapon or weapons
11 the person is authorized by the Department to carry and for
12 which the person has been trained.

13 (e) Expiration and requirements for renewal of firearm
14 authorization cards shall be determined by rule.

15 (f) The Department may, in addition to any other
16 disciplinary action permitted by this Act, refuse to issue,
17 suspend, or revoke a firearm authorization card if the
18 applicant or holder has been convicted of any felony or crime
19 involving the illegal use, carrying, or possession of a
20 deadly weapon or for a violation of this Act or rules
21 promulgated under this Act. The Department shall refuse to
22 issue or shall revoke a firearm authorization card if the
23 applicant or holder fails to possess a valid firearm owners
24 identification card. The Director shall summarily suspend a
25 firearm authorization card if the Director finds that its
26 continued use would constitute an imminent danger to the
27 public. A hearing shall be held before the Board within 30
28 days if the Director summarily suspends a firearm
29 authorization card.

30 (g) The Department shall promulgate rules for the
31 expedited issuance of firearm authorization cards to
32 registered employees who hold a valid firearm authorization
33 card and on whose behalf another agency is applying due to a
34 change in employment by the registered employee.

1 Section 35-40. Firearm authorization; training
2 requirements.

3 (a) The Department shall, pursuant to rule, approve or
4 disapprove training programs for the firearm training course,
5 which shall be taught by a qualified instructor.
6 Qualifications for instructors shall be set by rule. The
7 firearm training course shall be conducted by entities, by a
8 licensee, or by an agency licensed by this Act, provided the
9 course is approved by the Department. The firearm course
10 shall consist of the following minimum requirements:

11 (1) 40 hours of training, 20 hours of which shall
12 be as described in Sections 15-20, 20-20, or 25-20, as
13 applicable, and 20 hours of which shall include all of
14 the following:

15 (A) Instruction in the dangers of and misuse
16 of firearms, their storage, safety rules, and care
17 and cleaning of firearms.

18 (B) Practice firing on a range with live
19 ammunition.

20 (C) Instruction in the legal use of firearms.

21 (D) A presentation of the ethical and moral
22 considerations necessary for any person who
23 possesses a firearm.

24 (E) A review of the laws regarding arrest,
25 search, and seizure.

26 (F) Liability for acts that may be performed
27 in the course of employment.

28 (2) An examination shall be given at the completion
29 of the course. The examination shall consist of a
30 firearms qualification course and a written examination.

31 (b) The firearm training requirement may be waived for
32 an employee who has completed training provided by the
33 Illinois Law Enforcement Training Standards Board or the
34 equivalent public body of another state, provided

1 documentation showing requalification with the weapon on the
2 firing range is submitted to the Department.

3 Section 35-45. Armed proprietary security force.

4 (a) All financial institutions that employ one or more
5 armed security guards and all commercial or industrial
6 operations that employ 5 or more persons as armed security
7 guards shall register their security forces with the
8 Department on forms provided by the Department.

9 (b) All armed security employees of the registered
10 proprietary security force must complete a 20-hour basic
11 training course and 20-hour firearm training.

12 (c) Every proprietary security force is required to
13 apply to the Department, on forms supplied by the Department,
14 for a firearm authorization card for each armed employee.

15 (d) The Department may provide rules for the
16 administration of this Section.

17 ARTICLE 40. DISCIPLINARY PROVISIONS.

18 Section 40-5. Injunctive relief. The practice of a
19 private detective, private security contractor, private alarm
20 contractor, locksmith, private detective agency, private
21 security contractor agency, private alarm contractor agency,
22 or locksmith agency by any person, firm, or other entity that
23 has not been issued a license by the Department or whose
24 license has been suspended, revoked, or not renewed is hereby
25 declared to be inimical to the public safety and welfare and
26 to constitute a public nuisance.

27 The Director, through the Attorney General, the State's
28 Attorney of any county, any resident of the State, or any
29 legal entity within the State may apply for injunctive relief
30 in any court to enjoin any person, firm, or other entity that
31 has not been issued a license or whose license has been

1 suspended, revoked, or not renewed from conducting a licensed
2 activity. Upon the filing of a verified petition in court, if
3 satisfied by affidavit or otherwise that the person, firm, or
4 other entity is or has been conducting activities in
5 violation of this Act, the court may enter a temporary
6 restraining order or preliminary injunction, without bond,
7 enjoining the defendant from further activity. A copy of the
8 verified complaint shall be served upon the defendant and the
9 proceedings shall be conducted as in civil cases. If it is
10 established the defendant has been or is conducting
11 activities in violation of this Act, the court may enter a
12 judgment enjoining the defendant from that activity. In case
13 of violation of any injunctive order or judgment entered
14 under this Section, the court may punish the offender for
15 contempt of court. Injunctive proceedings shall be in
16 addition to all other penalties under this Act.

17 Section 40-10. Disciplinary sanctions.

18 (a) The Department may deny issuance, refuse to renew,
19 or restore or may reprimand, place on probation, suspend, or
20 revoke any license, registration, permanent employee
21 registration card, or firearm authorization card, and it may
22 impose a fine not to exceed \$1,500 for a first violation and
23 not to exceed \$5,000 for a second or subsequent violation for
24 any of the following:

25 (1) Fraud or deception in obtaining or renewing of
26 a license or registration.

27 (2) Professional incompetence as manifested by poor
28 standards of service.

29 (3) Engaging in dishonorable, unethical, or
30 unprofessional conduct of a character likely to deceive,
31 defraud, or harm the public.

32 (4) Conviction in Illinois or another state of any
33 crime that is a felony under the laws of Illinois; a

1 felony in a federal court; a misdemeanor, an essential
2 element of which is dishonesty; or directly related to
3 professional practice.

4 (5) Performing any services in a grossly negligent
5 manner or permitting any of a licensee's employees to
6 perform services in a grossly negligent manner,
7 regardless of whether actual damage to the public is
8 established.

9 (6) Continued practice, although the licensee has
10 become unfit to practice due to any of the following:

11 (A) Physical illness, including, but not
12 limited to, deterioration through the aging process
13 or loss of motor skills that results in the
14 inability to serve the public with reasonable
15 judgment, skill, or safety.

16 (B) Mental disability demonstrated by the
17 entry of an order or judgment by a court that a
18 licensee is in need of mental treatment or is
19 incompetent.

20 (C) Addiction to or dependency on alcohol or
21 drugs that is likely to endanger the public. If the
22 Department has reasonable cause to believe that a
23 licensee is addicted to or dependent on alcohol or
24 drugs that may endanger the public, the Department
25 may require the licensee to undergo an examination
26 to determine the extent of the addiction or
27 dependency.

28 (7) Receiving, directly or indirectly, compensation
29 for any services not rendered.

30 (8) Willfully deceiving or defrauding the public on
31 a material matter.

32 (9) Failing to account for or remit any moneys or
33 documents illegally coming into the licensee's possession
34 that belong to another person or entity.

1 (10) Discipline by a federal jurisdiction or
2 foreign nation, if at least one of the grounds for the
3 discipline is the same or substantially equivalent to
4 those set forth in this Act.

5 (11) Giving differential treatment to a person that
6 is to that person's detriment because of race, color,
7 creed, sex, religion, or national origin.

8 (12) Engaging in false or misleading advertising.

9 (13) Aiding, assisting, or willingly permitting
10 another person to violate this Act or rules promulgated
11 under it.

12 (14) Performing and charging for services without
13 authorization to do so from the person or entity
14 serviced.

15 (15) Directly or indirectly offering or accepting
16 any benefit to or from any employee, agent, or fiduciary
17 without the consent of the latter's employer or principal
18 with intent to or the understanding that this action will
19 influence his or her conduct in relation to his or her
20 employer's or principal's affairs.

21 (16) Violation of any disciplinary order imposed on
22 a licensee by the Department.

23 (17) Failing to comply with any provision of this
24 Act or rule promulgated under it.

25 (18) Conducting an agency without a valid license.

26 (19) Revealing confidential information, except as
27 required by law, including but not limited to information
28 available under Section 2-123 of the Illinois Vehicle
29 Code.

30 (20) Failing to make available to the Department,
31 upon request, any books, records, or forms required by
32 this Act.

33 (21) Failing, within 30 days, to respond to a
34 written request for information from the Department.

1 (22) Failing to provide employment information or
2 experience information required by the Department
3 regarding an applicant for licensure.

4 (23) Failing to make available to the Department at
5 the time of the request any indicia of licensure or
6 registration issued under this Act.

7 (24) The Department shall seek to be consistent in
8 the application of disciplinary sanctions.

9 Section 40-15. Suspension or revocation of permanent
10 employee registration card. Individuals registered as
11 employees pursuant to the provisions of Section 35-30 of this
12 Act shall be subject to the disciplinary sanctions of this
13 Act and shall otherwise comply with this Act and the rules
14 promulgated under it. Notwithstanding any other provision in
15 this Act to the contrary, registered employees of an agency
16 shall not be responsible for compliance with any requirement
17 that this Act assigns to the agency or the licensee-in-charge
18 regardless of the employee's job title, job duties, or
19 position in the agency. The procedures for disciplining a
20 licensee shall also apply in taking action against a
21 registered employee.

22 Section 40-20. Confidential information; violation. Any
23 person who is or has been an employee of a licensee shall not
24 divulge to anyone, other than to his or her employer, except
25 as required by law or at his employer's direction, any
26 confidential or proprietary information acquired during his
27 or her employment. Any individual who violates this Section
28 or who files false papers or reports to his or her employer
29 is guilty of a Class A misdemeanor.

30 Section 40-30. Submission to physical or mental
31 examination. The Department may order a licensee or a

1 registrant to submit to a reasonable physical or mental
2 examination if the licensee or registrant's mental or
3 physical capacity to work safely is an issue in a
4 disciplinary proceeding. The failure to submit to a
5 Director's order to submit to a reasonable mental or physical
6 exam shall constitute a violation of this Act subject to the
7 disciplinary provisions in Section 40-10.

8 Section 40-35. Insufficient funds; checks. A person who
9 delivers a check or other payment to the Department that is
10 returned to the Department unpaid by the financial
11 institution upon which it was drawn shall pay to the
12 Department, in addition to the amount already owed, a penalty
13 of \$50. The Department shall notify the person, by certified
14 mail return receipt requested, that his or her check or
15 payment was returned and that the person shall pay to the
16 Department by certified check or money order the amount of
17 the returned check plus a \$50 penalty within 30 calendar days
18 after the date of the notification. If, after the expiration
19 of 30 calendar days of the notification, the person has
20 failed to remit the necessary funds and penalty, the
21 Department shall automatically terminate the license or deny
22 the application without a hearing. If the returned check or
23 other payment was for issuance of a license under this Act
24 and that person practices as a licensee, that person may be
25 subject to discipline for unlicensed practice as provided in
26 this Act. If, after termination or denial, the person seeks a
27 license, he or she shall petition the Department for
28 restoration and he or she may be subject to additional
29 discipline or fines. The Director may waive the penalties or
30 fines due under this Section in individual cases where the
31 Director finds that the penalties or fines would be
32 unreasonable or unnecessarily burdensome.

1 Section 40-40. Disciplinary action for educational loan
2 defaults. The Department shall deny a license or renewal
3 authorized by this Act to a person who has defaulted on an
4 educational loan or scholarship provided or guaranteed by the
5 Illinois Student Assistance Commission or any governmental
6 agency of this State. The Department may issue a license or
7 renewal if the person has established a satisfactory
8 repayment record as determined by the Illinois Student
9 Assistance Commission or other appropriate governmental
10 agency of this State. Additionally, a license issued by the
11 Department may be suspended or revoked if the Director, after
12 the opportunity for a hearing under this Act, finds that the
13 licensee has failed to make satisfactory repayment to the
14 Illinois Student Assistance Commission for a delinquent or
15 defaulted loan.

16 Section 40-45. Nonpayment of child support. In cases
17 where the Department of Public Aid or any circuit court has
18 previously determined that a licensee or a potential licensee
19 is more than 30 days delinquent in the payment of child
20 support and has subsequently certified the delinquency to the
21 Department, the Department may refuse to issue or renew or
22 may revoke or suspend that person's license or may take other
23 disciplinary action against that person based solely upon the
24 certification of delinquency made by the Department of Public
25 Aid or a circuit court. Redetermination of the delinquency by
26 the Department shall not be required. In cases regarding the
27 renewal of a license, the Department shall not renew any
28 license if the Department of Public Aid or a circuit court
29 has certified the licensee to be more than 30 days delinquent
30 in the payment of child support, unless the licensee has
31 arranged for payment of past and current child support
32 obligations in a manner satisfactory to the Department of
33 Public Aid or circuit court. The Department may impose

1 conditions, restrictions or disciplinary action upon that
2 renewal in accordance with Section 40-10 of this Act.

3 Section 40-50. Failure to file a tax return. The
4 Department may refuse to issue or may suspend the license of
5 any person, firm, or other entity that fails to file a tax
6 return, to pay a tax, penalty, or interest shown in a filed
7 return, or to pay any final assessment of a tax, penalty, or
8 interest, as required by any law administered by the
9 Department of Revenue until the requirements of the law are
10 satisfied or a repayment agreement with the Department of
11 Revenue has been entered into.

12 ARTICLE 45. INVESTIGATION AND HEARING PROVISIONS

13 Section 45-10. Complaints investigated by the
14 Department.

15 (a) The Department shall investigate all complaints
16 concerning violations regarding licensees or unlicensed
17 activity.

18 (b) Following an investigation, the Department may file
19 formal charges against the licensee. The formal charges shall
20 inform the licensee of the facts that are the basis of the
21 charges with enough specificity to enable the licensee to
22 prepare an intelligent defense.

23 (c) Each licensee whose conduct is the subject of a
24 formal charge that seeks to impose disciplinary action
25 against the licensee shall be served notice of that charge at
26 least 30 days before the date of the hearing. The hearing
27 shall be presided over by a Board member or by a hearing
28 officer authorized by the Department. Service shall be
29 considered to have been given if the notice was personally
30 received by the licensee or if the notice was mailed by
31 certified mail, return receipt requested, to the licensee at

1 the licensee's address on file with the Department.

2 (d) The notice of formal charges shall consist of the
3 following information:

4 (1) The time, place, and date of the hearing.

5 (2) That the licensee shall appear personally at
6 the hearing and may be represented by counsel.

7 (3) That the licensee may produce witnesses and
8 evidence on his or her behalf and has the right to
9 cross-examine witnesses and evidence produced against him
10 or her.

11 (4) That the hearing could result in disciplinary
12 action.

13 (5) That rules for the conduct of hearings are
14 available from the Department.

15 (6) That a hearing officer authorized by the
16 Department shall conduct the hearing and, following the
17 conclusion of that hearing, shall make findings of fact,
18 conclusions of law, and recommendations, separately
19 stated, to the Director as to what disciplinary action,
20 if any, should be imposed on the licensee.

21 (7) That the licensee shall file a written answer
22 to the Board within 20 days after the service of the
23 notice and if the licensee fails to file an answer,
24 default will be taken and the license may be reprimanded,
25 suspended, revoked, or placed on probationary status, as
26 the Director may deem appropriate.

27 Section 45-15. Hearing; rehearing; public record.

28 (a) The Board or the hearing officer authorized by the
29 Department shall hear evidence in support of the formal
30 charges and evidence produced by the licensee. At the
31 conclusion of the hearing, the Board shall make findings of
32 fact, conclusions of law, and recommendations and submit them
33 to the Director and to all parties to the proceeding.

1 (b) The Board's findings of fact, conclusions of law,
2 and recommendations shall be served on the licensee in the
3 same manner as was the service of the notice of formal
4 charges. Within 20 days after the service, any party to the
5 proceeding may present to the Director a motion, in writing,
6 specifying the grounds for a rehearing or reconsideration of
7 the decision or sanctions.

8 (c) The Director, following the time allowed for filing
9 a motion for rehearing or reconsideration, shall review the
10 Board's findings of fact, conclusions of law and
11 recommendations and any subsequently filed motions. After
12 review of the information, the Director may hear oral
13 arguments and thereafter shall issue an order. The report of
14 findings of fact, conclusions of law and recommendations of
15 the Board shall be the basis for the Department's order. If
16 the Director finds that substantial justice was not done, the
17 Director may issue an order in contravention of the Board's
18 recommendations. The Director shall promptly provide the
19 Board with a written explanation of any deviation and shall
20 specify the reasons for the action. The findings of the Board
21 and the Director are not admissible as evidence against the
22 person in a criminal prosecution brought for the violation of
23 this Act.

24 (d) All proceedings under this Section are matters of
25 public record and shall be preserved.

26 (e) Upon the suspension or revocation of a license, the
27 licensee shall surrender the license to the Department and,
28 upon failure to do so, the Department shall seize the same.

29 Section 45-20. Temporary suspension of a license. The
30 Director may temporarily suspend a license without a hearing,
31 simultaneously with the initiation of the procedure for a
32 hearing provided for in this Act, if the Director finds that
33 evidence indicates that a licensee's continuation in business

1 would constitute an imminent danger to the public. If the
2 Director temporarily suspends a license without a hearing, a
3 hearing by the Department shall be held within 30 days after
4 the suspension has occurred or the temporary suspension shall
5 be rescinded.

6 Section 45-25. Disposition by consent order. Disposition
7 may be made of any formal charge by consent order between the
8 Department and the licensee. The Board shall be apprised of
9 the consent order at its next meeting and shall promptly
10 submit its view of the consent order to the Department.

11 Section 45-30. Restoration of license after disciplinary
12 proceedings. The Department shall reinstate any license to
13 good standing upon a recommendation by the Board to the
14 Director after a hearing before a hearing officer authorized
15 by the Department.

16 Section 45-35. Cease and desist orders. Whenever the
17 Department believes a person, firm, or other entity has
18 violated any provision of Section 10-5, the Department may
19 issue a rule to show cause why an order to cease and desist
20 should not be entered against that person, firm, or other
21 entity. The rule shall clearly set forth the grounds relied
22 upon by the Department. The respondent shall be given 21 days
23 from the date of mailing of the rule to respond. The failure
24 by the respondent to respond to a rule to show cause may
25 result in an order to cease and desist to be issued by the
26 Director immediately.

27 Section 45-40. Administrative review. All final
28 administrative decisions of the Department, as defined in the
29 Code of Civil Procedure, are subject to judicial review under
30 the Code of Civil Procedure. The proceedings for judicial

1 review shall be commenced in the circuit court of the county
2 in which the party applying for review resides. If the party
3 is not a resident of Illinois, the venue shall be in Sangamon
4 County. The Department shall not be required to certify any
5 record to the court or to file any answer in court or
6 otherwise appear in any court in a judicial review
7 proceeding, unless there is filed in the court with the
8 complaint, a receipt from the Department acknowledging
9 payment of the costs of furnishing and certifying the record,
10 computed at the cost of preparing the record. Exhibits shall
11 be certified without cost. Failure by the licensee to file a
12 receipt in court is grounds for dismissal of the action.
13 During all judicial proceedings relating to a disciplinary
14 action, the sanction imposed upon a licensee by the
15 Department shall remain in effect, unless the court
16 determines justice requires a stay of the order.

17 Section 45-45. Prima facie proof. An order of revocation
18 or suspension or placing a license on probationary status or
19 other disciplinary action as the Department may consider
20 proper or a certified copy thereof, over the seal of the
21 Department and purporting to be signed by the Director, is
22 prima facie proof that:

- 23 (1) the signature is that of the Director;
- 24 (2) the Director is qualified to act; and
- 25 (3) the members of the Board are qualified to act.

26 Section 45-50. Unlicensed practice; fraud in obtaining a
27 license.

28 (a) A person who violates any of the following
29 provisions shall be guilty of a Class A misdemeanor; a person
30 who commits a second or subsequent violation of these
31 provisions is guilty of a Class 4 felony:

- 32 (1) The practice of or attempted practice of or

1 holding out as available to practice as a private
2 detective, private security contractor, private alarm
3 contractor, or locksmith without a license.

4 (2) Operation of or attempt to operate a private
5 detective agency, private security contractor agency,
6 private alarm contractor agency, or locksmith agency
7 without ever having been issued a valid agency license.

8 (3) The obtaining of or the attempt to obtain any
9 license or authorization issued under this Act by
10 fraudulent misrepresentation.

11 (b) Whenever a licensee is convicted of a felony related
12 to the violations set forth in this Section, the clerk of the
13 court in any jurisdiction shall promptly report the
14 conviction to the Department and the Department shall
15 immediately revoke any license as a private detective,
16 private security contractor, private alarm contractor, or
17 locksmith held by that licensee. The individual shall not be
18 eligible for licensure until at least 10 years have elapsed
19 since the time of full discharge from any sentence imposed
20 for a felony conviction. If any person in making any oath or
21 affidavit required by this Act swears falsely, the person is
22 guilty of perjury and may be punished accordingly.

23 (c) In addition to any other penalty provided by law, a
24 person who violates any provision of this Section shall pay a
25 civil penalty to the Department in an amount not to exceed
26 \$5,000 for each offense, as determined by the Department. The
27 civil penalty shall be imposed in accordance with this Act.

28 Section 45-55. Subpoenas.

29 (a) The Department may subpoena and bring before it any
30 person to take the testimony with the same fees and in the
31 same manner as prescribed in civil cases.

32 (b) Any court, upon the application of the licensee or
33 Department may petition a circuit court for enforcement of

1 the subpoena. The circuit court may compel obedience to its
2 order for enforcement of the subpoena as in other civil
3 matters.

4 (c) The Director, the hearing officer or a certified
5 shorthand court reporter may administer oaths at any hearing
6 the Department conducts. Notwithstanding any other statute or
7 Department rule to the contrary, all requests for testimony,
8 production of documents or records shall be strictly in
9 accordance with this Act.

10 Section 45-60. Stenographers. The Department, at its
11 expense, shall provide a stenographer to preserve a record of
12 all hearing and pre-hearing proceedings if a license may be
13 revoked, suspended, or placed on probationary status or
14 other disciplinary action is taken. The notice of hearing,
15 the complaint, all other documents in the nature of pleadings
16 and written motions filed in the proceedings, the transcript
17 of testimony, the report of the Board, and the orders of the
18 Department shall constitute the record of the proceedings.
19 The Department shall furnish a transcript of the record upon
20 payment of the costs of copying and transmitting the record.

21 ARTICLE 50. ADMINISTRATIVE PROVISIONS

22 Section 50-5. Personnel; investigators. The Director
23 shall employ, pursuant to the Personnel Code, personnel, on a
24 full-time or part-time basis, for the effective enforcement
25 of this Act. Each investigator shall have a minimum of 2
26 years investigative experience out of the immediately
27 preceding 5 years. No investigator may hold an active license
28 issued pursuant to this Act, nor may an investigator have a
29 financial interest in a business licensed under this Act.
30 This prohibition, however, does not apply to an investigator
31 holding stock in a business licensed under this Act, provided

1 the investigator does not hold more than 5% of the stock in
2 the business. Any person licensed under this Act who is
3 employed by the Department shall surrender his or her license
4 to the Department for the duration of that employment. The
5 licensee shall be exempt from all renewal fees while
6 employed. While employed by the Department, the licensee is
7 not required to maintain the general liability insurance
8 coverage required by this Act.

9 Section 50-10. The Private Detective, Private Security,
10 Private Alarm, and Locksmith Board.

11 (a) The Private Detective, Private Security, Private
12 Alarm, and Locksmith Board shall consist of 11 members
13 appointed by the Director and comprised of 2 licensed private
14 detectives, 3 licensed private security contractors, 2
15 licensed private alarm contractors, 2 licensed locksmiths,
16 one public member who is not licensed or registered under
17 this Act and who has no connection with a business licensed
18 under this Act, and one member representing the employees
19 registered under this Act. Each member shall be a resident of
20 Illinois. Each licensed member shall have at least 5 years
21 experience as a licensee in the professional area in which
22 the person is licensed and be in good standing and actively
23 engaged in that profession. In making appointments, the
24 Director shall consider the recommendations of the
25 professionals and the professional organizations representing
26 the licensees. The membership shall reasonably reflect the
27 different geographic areas in Illinois.

28 (b) Members shall serve 4-year terms and may serve until
29 their successors are appointed. No member shall serve for
30 more than 2 successive terms. Appointments to fill vacancies
31 shall be made in the same manner as the original appointments
32 for the unexpired portion of the vacated term. Members of the
33 Board in office on the effective date of this Act pursuant to

1 the Private Detective, Private Alarm, Private Security, and
2 Locksmith Act of 1993 shall serve for the duration of their
3 terms and may be appointed for one additional term.

4 (c) A member of the Board may be removed for cause. A
5 member subject to formal disciplinary proceedings shall
6 disqualify himself or herself from all Board business until
7 the charge is resolved. A member also shall disqualify
8 himself or herself from any matter on which the member cannot
9 act objectively.

10 (d) Members shall receive compensation as set by law.
11 Each member shall receive reimbursement as set by the
12 Governor's Travel Control Board for expenses incurred in
13 carrying out the duties as a Board member.

14 (e) A majority of Board members constitutes a quorum. A
15 majority vote of the quorum is required for a decision.

16 (f) The Board shall elect a chairperson and vice
17 chairperson.

18 (g) Board members are not liable for their acts,
19 omissions, decisions, or other conduct in connection with
20 their duties on the Board, except those determined to be
21 willful, wanton, or intentional misconduct.

22 (h) The Board may recommend policies, procedures, and
23 rules relevant to the administration and enforcement of this
24 Act.

25 Section 50-15. Powers and duties of the Department.

26 (a) The Department shall exercise the powers and duties
27 prescribed by the Civil Administrative Code of Illinois and
28 shall exercise all other powers and duties set forth in this
29 Act.

30 (b) The Director shall prescribe forms to be issued for
31 the administration and enforcement of this Act.

32 Section 50-20. Rules. The Department may promulgate

1 rules for the administration and enforcement of this Act. The
2 rules shall include standards for registration, licensure,
3 professional conduct, and discipline. The Department shall
4 consult with the Board prior to promulgating any rule.
5 Proposed rules shall be transmitted, prior to publication in
6 the Illinois Register, to the Board and the Department shall
7 review the Board's recommendations and shall notify the Board
8 with an explanation of any deviations from the Board's
9 recommendations.

10 Section 50-25. Home rule. Pursuant to paragraph (h) of
11 Section 6 of Article VII of the Illinois Constitution of
12 1970, the power to regulate the private detective, private
13 security, private alarm, or locksmith business or their
14 employees shall be exercised exclusively by the State and may
15 not be exercised by any unit of local government, including
16 home rule units.

17 Section 50-30. Deposit of fees and fines. All of the
18 fees and fines collected under this Act shall be deposited
19 into the General Professions Dedicated Fund.

20 Section 50-35. Rosters. The Department shall, upon
21 request and payment of the fee, provide a list of the names
22 and addresses of all licensees under this Act.

23 Section 50-40. Rights and obligations. All rights and
24 obligations incurred and any actions commenced under the
25 Private Detective, Private Alarm, Private Security, and
26 Locksmith Act of 1993 shall not be impaired by the enactment
27 of this Act. Rules adopted under the Private Detective,
28 Private Alarm, Private Security, and Locksmith Act of 1993,
29 unless inconsistent with this Act, shall remain in effect
30 until amended or revoked. All licenses issued by the

1 Department permitting the holder to act as a private
 2 detective, private detective agency, private security
 3 contractor, private security contractor agency, private alarm
 4 contractor, private alarm contractor agency, locksmith, or
 5 locksmith agency that are valid on the effective date of this
 6 Act shall be considered valid under this Act.

7 ARTICLE 90. AMENDATORY PROVISIONS.

8 Section 90-5. The Regulatory Sunset Act is amended by
 9 changing Sections 4.14 and 4.24 as follows:

10 (5 ILCS 80/4.14) (from Ch. 127, par. 1904.14)

11 Sec. 4.14. Acts repealed.

12 (a) The following Act is ~~Acts-are~~ repealed December 31,
 13 2003:

14 ~~The--Private--Detective,--Private-Alarm,--and-Private~~
 15 ~~Security-Act-of-1993.~~

16 The Illinois Occupational Therapy Practice Act.

17 (b) The following Acts are repealed January 1, 2004:

18 The Illinois Certified Shorthand Reporters Act of
 19 1984.

20 The Veterinary Medicine and Surgery Practice Act of
 21 1994.

22 (Source: P.A. 92-457, eff 8-21-01.)

23 (5 ILCS 80/4.24)

24 Sec. 4.24. Acts repealed on January 1, 2014. The
 25 following Acts are repealed on January 1, 2014:

26 The Electrologist Licensing Act.

27 The Illinois Public Accounting Act.

28 The Private Detective, Private Alarm, Private Security,
 29 and Locksmith Act of 2004.

30 (Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03.)

1 Section 90-10. The Criminal Identification Act is
2 amended by changing Section 3-1 as follows:

3 (20 ILCS 2630/3.1) (from Ch. 38, par. 206-3.1)

4 Sec. 3.1. (a) The Department may furnish, pursuant to
5 positive identification, records of convictions to the
6 Department of Professional Regulation for the purpose of
7 meeting registration or licensure requirements under The
8 Private Detective, Private Alarm, Private Security, and
9 Locksmith Act of 2004 and-Private-Security-Act-of-1983.

10 (b) The Department may furnish, pursuant to positive
11 identification, records of convictions to policing bodies of
12 this State for the purpose of assisting local liquor control
13 commissioners in carrying out their duty to refuse to issue
14 licenses to persons specified in paragraphs (4), (5) and (6)
15 of Section 6-2 of The Liquor Control Act of 1934.

16 (c) The Department shall charge an application fee,
17 based on actual costs, for the dissemination of records
18 pursuant to this Section. Fees received for the
19 dissemination of records pursuant to this Section shall be
20 deposited in the State Police Services Fund. The Department
21 is empowered to establish this fee and to prescribe the form
22 and manner for requesting and furnishing conviction
23 information pursuant to this Section.

24 (d) Any dissemination of any information obtained
25 pursuant to this Section to any person not specifically
26 authorized hereby to receive or use it for the purpose for
27 which it was disseminated shall constitute a violation of
28 Section 7.

29 (Source: P.A. 85-1440.)

30 Section 90-15. The Service Contract Act is amended by
31 changing Section 10 as follows:

1 (215 ILCS 152/10)

2 Sec. 10. Exemptions. Service contract providers and
3 related service contract sellers and administrators complying
4 with this Act are not required to comply with and are not
5 subject to any provision of the Illinois Insurance Code. A
6 service contract provider who is the manufacturer or a
7 wholly-owned subsidiary of the manufacturer of the product or
8 the builder, seller, or lessor of the product that is the
9 subject of the service contract is required to comply only
10 with Sections 30, 35, 45, and 50 of this Act; except that, a
11 service contract provider who sells a motor vehicle,
12 excluding a motorcycle as defined in Section 1-147 of the
13 Illinois Vehicle Code, or who leases, but is not the
14 manufacturer of, the motor vehicle, excluding a motorcycle as
15 defined in Section 1-147 of the Illinois Vehicle Code, that
16 is the subject of the service contract must comply with this
17 Act in its entirety. Contracts for the repair and monitoring
18 of private alarm or private security systems regulated under
19 the Private Detective, Private Alarm, Private Security, and
20 Locksmith Act of 2004 1993 are not required to comply with
21 this Act and are not subject to any provision of the Illinois
22 Insurance Code.

23 (Source: P.A. 91-430, eff. 1-1-00; 92-16, eff. 6-28-01.)

24 (225 ILCS 446/Act rep.)

25 Section 90-20. The Private Detective, Private Alarm,
26 Private Security, and Locksmith Act of 1993 is repealed.

27 Section 90-25. The Illinois Vehicle Code is amended by
28 changing Section 2-123 as follows:

29 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

30 Sec. 2-123. Sale and Distribution of Information.

31 (a) Except as otherwise provided in this Section, the

1 Secretary may make the driver's license, vehicle and title
2 registration lists, in part or in whole, and any statistical
3 information derived from these lists available to local
4 governments, elected state officials, state educational
5 institutions, and all other governmental units of the State
6 and Federal Government requesting them for governmental
7 purposes. The Secretary shall require any such applicant for
8 services to pay for the costs of furnishing such services and
9 the use of the equipment involved, and in addition is
10 empowered to establish prices and charges for the services so
11 furnished and for the use of the electronic equipment
12 utilized.

13 (b) The Secretary is further empowered to and he may, in
14 his discretion, furnish to any applicant, other than listed
15 in subsection (a) of this Section, vehicle or driver data on
16 a computer tape, disk, other electronic format or computer
17 processable medium, or printout at a fixed fee of \$250 in
18 advance and require in addition a further sufficient deposit
19 based upon the Secretary of State's estimate of the total
20 cost of the information requested and a charge of \$25 per
21 1,000 units or part thereof identified or the actual cost,
22 whichever is greater. The Secretary is authorized to refund
23 any difference between the additional deposit and the actual
24 cost of the request. This service shall not be in lieu of an
25 abstract of a driver's record nor of a title or registration
26 search. This service may be limited to entities purchasing a
27 minimum number of records as required by administrative rule.
28 The information sold pursuant to this subsection shall be the
29 entire vehicle or driver data list, or part thereof. The
30 information sold pursuant to this subsection shall not
31 contain personally identifying information unless the
32 information is to be used for one of the purposes identified
33 in subsection (f-5) of this Section. Commercial purchasers
34 of driver and vehicle record databases shall enter into a

1 written agreement with the Secretary of State that includes
2 disclosure of the commercial use of the information to be
3 purchased.

4 (c) Secretary of State may issue registration lists.
5 The Secretary of State shall compile and publish, at least
6 annually, a list of all registered vehicles. Each list of
7 registered vehicles shall be arranged serially according to
8 the registration numbers assigned to registered vehicles and
9 shall contain in addition the names and addresses of
10 registered owners and a brief description of each vehicle
11 including the serial or other identifying number thereof.
12 Such compilation may be in such form as in the discretion of
13 the Secretary of State may seem best for the purposes
14 intended.

15 (d) The Secretary of State shall furnish no more than 2
16 current available lists of such registrations to the sheriffs
17 of all counties and to the chiefs of police of all cities and
18 villages and towns of 2,000 population and over in this State
19 at no cost. Additional copies may be purchased by the
20 sheriffs or chiefs of police at the fee of \$500 each or at
21 the cost of producing the list as determined by the Secretary
22 of State. Such lists are to be used for governmental
23 purposes only.

24 (e) (Blank).

25 (e-1) (Blank).

26 (f) The Secretary of State shall make a title or
27 registration search of the records of his office and a
28 written report on the same for any person, upon written
29 application of such person, accompanied by a fee of \$5 for
30 each registration or title search. The written application
31 shall set forth the intended use of the requested
32 information. No fee shall be charged for a title or
33 registration search, or for the certification thereof
34 requested by a government agency. The report of the title or

1 registration search shall not contain personally identifying
2 information unless the request for a search was made for one
3 of the purposes identified in subsection (f-5) of this
4 Section.

5 The Secretary of State shall certify a title or
6 registration record upon written request. The fee for
7 certification shall be \$5 in addition to the fee required for
8 a title or registration search. Certification shall be made
9 under the signature of the Secretary of State and shall be
10 authenticated by Seal of the Secretary of State.

11 The Secretary of State may notify the vehicle owner or
12 registrant of the request for purchase of his title or
13 registration information as the Secretary deems appropriate.

14 No information shall be released to the requestor until
15 expiration of a 10 day period. This 10 day period shall not
16 apply to requests for information made by law enforcement
17 officials, government agencies, financial institutions,
18 attorneys, insurers, employers, automobile associated
19 businesses, persons licensed as a private detective or firms
20 licensed as a private detective agency under the Private
21 Detective, Private Alarm, Private Security, and Locksmith Act
22 of 2004 and-Private-Security-Act-of-1983, who are employed by
23 or are acting on behalf of law enforcement officials,
24 government agencies, financial institutions, attorneys,
25 insurers, employers, automobile associated businesses, and
26 other business entities for purposes consistent with the
27 Illinois Vehicle Code, the vehicle owner or registrant or
28 other entities as the Secretary may exempt by rule and
29 regulation.

30 Any misrepresentation made by a requestor of title or
31 vehicle information shall be punishable as a petty offense,
32 except in the case of persons licensed as a private detective
33 or firms licensed as a private detective agency which shall
34 be subject to disciplinary sanctions under Section 40-10 22

1 er--25 of the Private Detective, Private Alarm, Private
2 Security, and Locksmith Act of 2004 and ~~Private-Seeurity--Act~~
3 ~~ef-1983~~.

4 (f-5) The Secretary of State shall not disclose or
5 otherwise make available to any person or entity any
6 personally identifying information obtained by the Secretary
7 of State in connection with a driver's license, vehicle, or
8 title registration record unless the information is disclosed
9 for one of the following purposes:

10 (1) For use by any government agency, including any
11 court or law enforcement agency, in carrying out its
12 functions, or any private person or entity acting on
13 behalf of a federal, State, or local agency in carrying
14 out its functions.

15 (2) For use in connection with matters of motor
16 vehicle or driver safety and theft; motor vehicle
17 emissions; motor vehicle product alterations, recalls, or
18 advisories; performance monitoring of motor vehicles,
19 motor vehicle parts, and dealers; and removal of
20 non-owner records from the original owner records of
21 motor vehicle manufacturers.

22 (3) For use in the normal course of business by a
23 legitimate business or its agents, employees, or
24 contractors, but only:

25 (A) to verify the accuracy of personal
26 information submitted by an individual to the
27 business or its agents, employees, or contractors;
28 and

29 (B) if such information as so submitted is not
30 correct or is no longer correct, to obtain the
31 correct information, but only for the purposes of
32 preventing fraud by, pursuing legal remedies
33 against, or recovering on a debt or security
34 interest against, the individual.

1 (4) For use in research activities and for use in
2 producing statistical reports, if the personally
3 identifying information is not published, redisclosed, or
4 used to contact individuals.

5 (5) For use in connection with any civil, criminal,
6 administrative, or arbitral proceeding in any federal,
7 State, or local court or agency or before any
8 self-regulatory body, including the service of process,
9 investigation in anticipation of litigation, and the
10 execution or enforcement of judgments and orders, or
11 pursuant to an order of a federal, State, or local court.

12 (6) For use by any insurer or insurance support
13 organization or by a self-insured entity or its agents,
14 employees, or contractors in connection with claims
15 investigation activities, antifraud activities, rating,
16 or underwriting.

17 (7) For use in providing notice to the owners of
18 towed or impounded vehicles.

19 (8) For use by any private investigative agency or
20 security service licensed in Illinois for any purpose
21 permitted under this subsection.

22 (9) For use by an employer or its agent or insurer
23 to obtain or verify information relating to a holder of a
24 commercial driver's license that is required under
25 chapter 313 of title 49 of the United States Code.

26 (10) For use in connection with the operation of
27 private toll transportation facilities.

28 (11) For use by any requester, if the requester
29 demonstrates it has obtained the written consent of the
30 individual to whom the information pertains.

31 (12) For use by members of the news media, as
32 defined in Section 1-148.5, for the purpose of
33 newsgathering when the request relates to the operation
34 of a motor vehicle or public safety.

1 (13) For any other use specifically authorized by
2 law, if that use is related to the operation of a motor
3 vehicle or public safety.

4 (g) 1. The Secretary of State may, upon receipt of a
5 written request and a fee of \$6, furnish to the person or
6 agency so requesting a driver's record. Such document
7 may include a record of: current driver's license
8 issuance information, except that the information on
9 judicial driving permits shall be available only as
10 otherwise provided by this Code; convictions; orders
11 entered revoking, suspending or cancelling a driver's
12 license or privilege; and notations of accident
13 involvement. All other information, unless otherwise
14 permitted by this Code, shall remain confidential.
15 Information released pursuant to a request for a driver's
16 record shall not contain personally identifying
17 information, unless the request for the driver's record
18 was made for one of the purposes set forth in subsection
19 (f-5) of this Section.

20 2. The Secretary of State may certify an abstract
21 of a driver's record upon written request therefor.
22 Such certification shall be made under the signature of
23 the Secretary of State and shall be authenticated by the
24 Seal of his office.

25 3. All requests for driving record information
26 shall be made in a manner prescribed by the Secretary and
27 shall set forth the intended use of the requested
28 information.

29 The Secretary of State may notify the affected
30 driver of the request for purchase of his driver's record
31 as the Secretary deems appropriate.

32 No information shall be released to the requester
33 until expiration of a 10 day period. This 10 day period
34 shall not apply to requests for information made by law

1 enforcement officials, government agencies, financial
2 institutions, attorneys, insurers, employers, automobile
3 associated businesses, persons licensed as a private
4 detective or firms licensed as a private detective agency
5 under the Private Detective, Private Alarm, Private
6 Security, and Locksmith Act of 2004 and ~~Private-Security~~
7 ~~Act-of-1983~~, who are employed by or are acting on behalf
8 of law enforcement officials, government agencies,
9 financial institutions, attorneys, insurers, employers,
10 automobile associated businesses, and other business
11 entities for purposes consistent with the Illinois
12 Vehicle Code, the affected driver or other entities as
13 the Secretary may exempt by rule and regulation.

14 Any misrepresentation made by a requestor of driver
15 information shall be punishable as a petty offense,
16 except in the case of persons licensed as a private
17 detective or firms licensed as a private detective agency
18 which shall be subject to disciplinary sanctions under
19 Section 40-10 22-or-25 of the Private Detective, Private
20 Alarm, Private Security, and Locksmith Act of 2004 and
21 ~~Private-Security-Act-of-1983~~.

22 4. The Secretary of State may furnish without fee,
23 upon the written request of a law enforcement agency, any
24 information from a driver's record on file with the
25 Secretary of State when such information is required in
26 the enforcement of this Code or any other law relating to
27 the operation of motor vehicles, including records of
28 dispositions; documented information involving the use of
29 a motor vehicle; whether such individual has, or
30 previously had, a driver's license; and the address and
31 personal description as reflected on said driver's
32 record.

33 5. Except as otherwise provided in this Section,
34 the Secretary of State may furnish, without fee,

1 information from an individual driver's record on file,
2 if a written request therefor is submitted by any public
3 transit system or authority, public defender, law
4 enforcement agency, a state or federal agency, or an
5 Illinois local intergovernmental association, if the
6 request is for the purpose of a background check of
7 applicants for employment with the requesting agency, or
8 for the purpose of an official investigation conducted by
9 the agency, or to determine a current address for the
10 driver so public funds can be recovered or paid to the
11 driver, or for any other purpose set forth in subsection
12 (f-5) of this Section.

13 The Secretary may also furnish the courts a copy of
14 an abstract of a driver's record, without fee, subsequent
15 to an arrest for a violation of Section 11-501 or a
16 similar provision of a local ordinance. Such abstract
17 may include records of dispositions; documented
18 information involving the use of a motor vehicle as
19 contained in the current file; whether such individual
20 has, or previously had, a driver's license; and the
21 address and personal description as reflected on said
22 driver's record.

23 6. Any certified abstract issued by the Secretary
24 of State or transmitted electronically by the Secretary
25 of State pursuant to this Section, to a court or on
26 request of a law enforcement agency, for the record of a
27 named person as to the status of the person's driver's
28 license shall be prima facie evidence of the facts
29 therein stated and if the name appearing in such abstract
30 is the same as that of a person named in an information
31 or warrant, such abstract shall be prima facie evidence
32 that the person named in such information or warrant is
33 the same person as the person named in such abstract and
34 shall be admissible for any prosecution under this Code

1 and be admitted as proof of any prior conviction or proof
2 of records, notices, or orders recorded on individual
3 driving records maintained by the Secretary of State.

4 7. Subject to any restrictions contained in the
5 Juvenile Court Act of 1987, and upon receipt of a proper
6 request and a fee of \$6, the Secretary of State shall
7 provide a driver's record to the affected driver, or the
8 affected driver's attorney, upon verification. Such
9 record shall contain all the information referred to in
10 paragraph 1 of this subsection (g) plus: any recorded
11 accident involvement as a driver; information recorded
12 pursuant to subsection (e) of Section 6-117 and paragraph
13 (4) of subsection (a) of Section 6-204 of this Code. All
14 other information, unless otherwise permitted by this
15 Code, shall remain confidential.

16 (h) The Secretary shall not disclose social security
17 numbers except pursuant to a written request by, or with the
18 prior written consent of, the individual except: (1) to
19 officers and employees of the Secretary who have a need to
20 know the social security numbers in performance of their
21 official duties, (2) to law enforcement officials for a
22 lawful, civil or criminal law enforcement investigation, and
23 if the head of the law enforcement agency has made a written
24 request to the Secretary specifying the law enforcement
25 investigation for which the social security numbers are being
26 sought, (3) to the United States Department of
27 Transportation, or any other State, pursuant to the
28 administration and enforcement of the Commercial Motor
29 Vehicle Safety Act of 1986, (4) pursuant to the order of a
30 court of competent jurisdiction, or (5) to the Department of
31 Public Aid for utilization in the child support enforcement
32 duties assigned to that Department under provisions of the
33 Public Aid Code after the individual has received advanced
34 meaningful notification of what redisclosure is sought by the

1 Secretary in accordance with the federal Privacy Act.

2 (i) (Blank).

3 (j) Medical statements or medical reports received in
4 the Secretary of State's Office shall be confidential. No
5 confidential information may be open to public inspection or
6 the contents disclosed to anyone, except officers and
7 employees of the Secretary who have a need to know the
8 information contained in the medical reports and the Driver
9 License Medical Advisory Board, unless so directed by an
10 order of a court of competent jurisdiction.

11 (k) All fees collected under this Section shall be paid
12 into the Road Fund of the State Treasury, except that \$3 of
13 the \$6 fee for a driver's record shall be paid into the
14 Secretary of State Special Services Fund.

15 (l) (Blank).

16 (m) Notations of accident involvement that may be
17 disclosed under this Section shall not include notations
18 relating to damage to a vehicle or other property being
19 transported by a tow truck. This information shall remain
20 confidential, provided that nothing in this subsection (m)
21 shall limit disclosure of any notification of accident
22 involvement to any law enforcement agency or official.

23 (n) Requests made by the news media for driver's
24 license, vehicle, or title registration information may be
25 furnished without charge or at a reduced charge, as
26 determined by the Secretary, when the specific purpose for
27 requesting the documents is deemed to be in the public
28 interest. Waiver or reduction of the fee is in the public
29 interest if the principal purpose of the request is to access
30 and disseminate information regarding the health, safety, and
31 welfare or the legal rights of the general public and is not
32 for the principal purpose of gaining a personal or commercial
33 benefit. The information provided pursuant to this subsection
34 shall not contain personally identifying information unless

1 the information is to be used for one of the purposes
2 identified in subsection (f-5) of this Section.

3 (o) The redisclosure of personally identifying
4 information obtained pursuant to this Section is prohibited,
5 except to the extent necessary to effectuate the purpose for
6 which the original disclosure of the information was
7 permitted.

8 (p) The Secretary of State is empowered to adopt rules
9 to effectuate this Section.

10 (Source: P.A. 91-37, eff. 7-1-99; 91-357, eff. 7-29-99;
11 91-716, eff. 10-1-00; 92-32, eff. 7-1-01; 92-651, eff.
12 7-11-02.)

13 Section 90-30. The Criminal Code of 1961 is amended by
14 changing Section 24-2 as follows:

15 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

16 Sec. 24-2. Exemptions.

17 (a) Subsections 24-1(a)(3), 24-1(a)(4) and 24-1(a)(10)
18 and Section 24-1.6 do not apply to or affect any of the
19 following:

20 (1) Peace officers, and any person summoned by a
21 peace officer to assist in making arrests or preserving
22 the peace, while actually engaged in assisting such
23 officer.

24 (2) Wardens, superintendents and keepers of
25 prisons, penitentiaries, jails and other institutions for
26 the detention of persons accused or convicted of an
27 offense, while in the performance of their official duty,
28 or while commuting between their homes and places of
29 employment.

30 (3) Members of the Armed Services or Reserve Forces
31 of the United States or the Illinois National Guard or
32 the Reserve Officers Training Corps, while in the

1 performance of their official duty.

2 (4) Special agents employed by a railroad or a
3 public utility to perform police functions, and guards of
4 armored car companies, while actually engaged in the
5 performance of the duties of their employment or
6 commuting between their homes and places of employment;
7 and watchmen while actually engaged in the performance of
8 the duties of their employment.

9 (5) Persons licensed as private security
10 contractors, private detectives, or private alarm
11 contractors, or employed by an agency certified by the
12 Department of Professional Regulation, if their duties
13 include the carrying of a weapon under the provisions of
14 the Private Detective, Private Alarm, Private Security,
15 and Locksmith Act of 2004 and--Private--Security--Act--of
16 1983, while actually engaged in the performance of the
17 duties of their employment or commuting between their
18 homes and places of employment, provided that such
19 commuting is accomplished within one hour from departure
20 from home or place of employment, as the case may be.
21 Persons exempted under this subdivision (a)(5) shall be
22 required to have completed a course of study in firearms
23 handling and training approved and supervised by the
24 Department of Professional Regulation as prescribed by
25 Section 28 of the Private Detective, Private Alarm,
26 Private Security, and Locksmith Act of 2004 and-Private
27 ~~Security-Act-of-1983~~, prior to becoming eligible for this
28 exemption. The Department of Professional Regulation
29 shall provide suitable documentation demonstrating the
30 successful completion of the prescribed firearms
31 training. Such documentation shall be carried at all
32 times when such persons are in possession of a
33 concealable weapon.

34 (6) Any person regularly employed in a commercial

1 or industrial operation as a security guard for the
2 protection of persons employed and private property
3 related to such commercial or industrial operation, while
4 actually engaged in the performance of his or her duty or
5 traveling between sites or properties belonging to the
6 employer, and who, as a security guard, is a member of a
7 security force of at least 5 persons registered with the
8 Department of Professional Regulation; provided that such
9 security guard has successfully completed a course of
10 study, approved by and supervised by the Department of
11 Professional Regulation, consisting of not less than 40
12 hours of training that includes the theory of law
13 enforcement, liability for acts, and the handling of
14 weapons. A person shall be considered eligible for this
15 exemption if he or she has completed the required 20
16 hours of training for a security officer and 20 hours of
17 required firearm training, and has been issued a firearm
18 authorization card by the Department of Professional
19 Regulation. Conditions for the renewal of firearm
20 authorization cards issued under the provisions of this
21 Section shall be the same as for those cards issued under
22 the provisions of the Private Detective, Private Alarm,
23 Private Security, and Locksmith Act of 2004 and--Private
24 ~~Security--Act--of--1983~~. Such firearm authorization card
25 shall be carried by the security guard at all times when
26 he or she is in possession of a concealable weapon.

27 (7) Agents and investigators of the Illinois
28 Legislative Investigating Commission authorized by the
29 Commission to carry the weapons specified in subsections
30 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
31 any investigation for the Commission.

32 (8) Persons employed by a financial institution for
33 the protection of other employees and property related to
34 such financial institution, while actually engaged in the

1 performance of their duties, commuting between their
2 homes and places of employment, or traveling between
3 sites or properties owned or operated by such financial
4 institution, provided that any person so employed has
5 successfully completed a course of study, approved by and
6 supervised by the Department of Professional Regulation,
7 consisting of not less than 40 hours of training which
8 includes theory of law enforcement, liability for acts,
9 and the handling of weapons. A person shall be considered
10 to be eligible for this exemption if he or she has
11 completed the required 20 hours of training for a
12 security officer and 20 hours of required firearm
13 training, and has been issued a firearm authorization
14 card by the Department of Professional Regulation.
15 Conditions for renewal of firearm authorization cards
16 issued under the provisions of this Section shall be the
17 same as for those issued under the provisions of the
18 Private Detective, Private Alarm, Private Security, and
19 Locksmith Act of 2004 and ~~Private Security Act of 1983~~.
20 Such firearm authorization card shall be carried by the
21 person so trained at all times when such person is in
22 possession of a concealable weapon. For purposes of this
23 subsection, "financial institution" means a bank, savings
24 and loan association, credit union or company providing
25 armored car services.

26 (9) Any person employed by an armored car company
27 to drive an armored car, while actually engaged in the
28 performance of his duties.

29 (10) Persons who have been classified as peace
30 officers pursuant to the Peace Officer Fire Investigation
31 Act.

32 (11) Investigators of the Office of the State's
33 Attorneys Appellate Prosecutor authorized by the board of
34 governors of the Office of the State's Attorneys

1 Appellate Prosecutor to carry weapons pursuant to Section
2 7.06 of the State's Attorneys Appellate Prosecutor's Act.

3 (12) Special investigators appointed by a State's
4 Attorney under Section 3-9005 of the Counties Code.

5 (13) Court Security Officers while in the
6 performance of their official duties, or while commuting
7 between their homes and places of employment, with the
8 consent of the Sheriff.

9 (13.5) A person employed as an armed security guard
10 at a nuclear energy, storage, weapons or development site
11 or facility regulated by the Nuclear Regulatory
12 Commission who has completed the background screening and
13 training mandated by the rules and regulations of the
14 Nuclear Regulatory Commission.

15 (14) Manufacture, transportation, or sale of
16 weapons to persons authorized under subdivisions (1)
17 through (13.5) of this subsection to possess those
18 weapons.

19 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
20 24-1.6 do not apply to or affect any of the following:

21 (1) Members of any club or organization organized
22 for the purpose of practicing shooting at targets upon
23 established target ranges, whether public or private, and
24 patrons of such ranges, while such members or patrons are
25 using their firearms on those target ranges.

26 (2) Duly authorized military or civil organizations
27 while parading, with the special permission of the
28 Governor.

29 (3) Hunters, trappers or fishermen with a license
30 or permit while engaged in hunting, trapping or fishing.

31 (4) Transportation of weapons that are broken down
32 in a non-functioning state or are not immediately
33 accessible.

34 (c) Subsection 24-1(a)(7) does not apply to or affect

1 any of the following:

2 (1) Peace officers while in performance of their
3 official duties.

4 (2) Wardens, superintendents and keepers of
5 prisons, penitentiaries, jails and other institutions for
6 the detention of persons accused or convicted of an
7 offense.

8 (3) Members of the Armed Services or Reserve Forces
9 of the United States or the Illinois National Guard,
10 while in the performance of their official duty.

11 (4) Manufacture, transportation, or sale of machine
12 guns to persons authorized under subdivisions (1) through
13 (3) of this subsection to possess machine guns, if the
14 machine guns are broken down in a non-functioning state
15 or are not immediately accessible.

16 (5) Persons licensed under federal law to
17 manufacture any weapon from which 8 or more shots or
18 bullets can be discharged by a single function of the
19 firing device, or ammunition for such weapons, and
20 actually engaged in the business of manufacturing such
21 weapons or ammunition, but only with respect to
22 activities which are within the lawful scope of such
23 business, such as the manufacture, transportation, or
24 testing of such weapons or ammunition. This exemption
25 does not authorize the general private possession of any
26 weapon from which 8 or more shots or bullets can be
27 discharged by a single function of the firing device, but
28 only such possession and activities as are within the
29 lawful scope of a licensed manufacturing business
30 described in this paragraph.

31 During transportation, such weapons shall be broken
32 down in a non-functioning state or not immediately
33 accessible.

34 (6) The manufacture, transport, testing, delivery,

1 transfer or sale, and all lawful commercial or
2 experimental activities necessary thereto, of rifles,
3 shotguns, and weapons made from rifles or shotguns, or
4 ammunition for such rifles, shotguns or weapons, where
5 engaged in by a person operating as a contractor or
6 subcontractor pursuant to a contract or subcontract for
7 the development and supply of such rifles, shotguns,
8 weapons or ammunition to the United States government or
9 any branch of the Armed Forces of the United States, when
10 such activities are necessary and incident to fulfilling
11 the terms of such contract.

12 The exemption granted under this subdivision (c)(6)
13 shall also apply to any authorized agent of any such
14 contractor or subcontractor who is operating within the
15 scope of his employment, where such activities involving
16 such weapon, weapons or ammunition are necessary and
17 incident to fulfilling the terms of such contract.

18 During transportation, any such weapon shall be
19 broken down in a non-functioning state, or not
20 immediately accessible.

21 (d) Subsection 24-1(a)(1) does not apply to the
22 purchase, possession or carrying of a black-jack or
23 slung-shot by a peace officer.

24 (e) Subsection 24-1(a)(8) does not apply to any owner,
25 manager or authorized employee of any place specified in that
26 subsection nor to any law enforcement officer.

27 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
28 Section 24-1.6 do not apply to members of any club or
29 organization organized for the purpose of practicing shooting
30 at targets upon established target ranges, whether public or
31 private, while using their firearms on those target ranges.

32 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not
33 apply to:

34 (1) Members of the Armed Services or Reserve Forces

1 of the United States or the Illinois National Guard,
2 while in the performance of their official duty.

3 (2) Bonafide collectors of antique or surplus
4 military ordinance.

5 (3) Laboratories having a department of forensic
6 ballistics, or specializing in the development of
7 ammunition or explosive ordinance.

8 (4) Commerce, preparation, assembly or possession
9 of explosive bullets by manufacturers of ammunition
10 licensed by the federal government, in connection with
11 the supply of those organizations and persons exempted by
12 subdivision (g)(1) of this Section, or like organizations
13 and persons outside this State, or the transportation of
14 explosive bullets to any organization or person exempted
15 in this Section by a common carrier or by a vehicle owned
16 or leased by an exempted manufacturer.

17 (h) An information or indictment based upon a violation
18 of any subsection of this Article need not negative any
19 exemptions contained in this Article. The defendant shall
20 have the burden of proving such an exemption.

21 (i) Nothing in this Article shall prohibit, apply to, or
22 affect the transportation, carrying, or possession, of any
23 pistol or revolver, stun gun, taser, or other firearm
24 consigned to a common carrier operating under license of the
25 State of Illinois or the federal government, where such
26 transportation, carrying, or possession is incident to the
27 lawful transportation in which such common carrier is
28 engaged; and nothing in this Article shall prohibit, apply
29 to, or affect the transportation, carrying, or possession of
30 any pistol, revolver, stun gun, taser, or other firearm, not
31 the subject of and regulated by subsection 24-1(a)(7) or
32 subsection 24-2(c) of this Article, which is unloaded and
33 enclosed in a case, firearm carrying box, shipping box, or
34 other container, by the possessor of a valid Firearm Owners

1 Identification Card.

2 (Source: P.A. 91-287, eff. 1-1-00; 91-690, eff. 4-13-00;
3 92-325, eff. 8-9-01.)

4 Section 90-35. The Code of Civil Procedure is amended by
5 changing Section 2-202 as follows:

6 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

7 Sec. 2-202. Persons authorized to serve process; Place of
8 service; Failure to make return.

9 (a) Process shall be served by a sheriff, or if the
10 sheriff is disqualified, by a coroner of some county of the
11 State. A sheriff of a county with a population of less than
12 1,000,000 may employ civilian personnel to serve process. In
13 counties with a population of less than 1,000,000, process
14 may be served, without special appointment, by a person who
15 is licensed or registered as a private detective under the
16 Private Detective, Private Alarm, Private Security, and
17 Locksmith Act of 2004 1993 or by a registered employee of a
18 private detective agency certified under that Act. A private
19 detective or licensed employee must supply the sheriff of any
20 county in which he serves process with a copy of his license
21 or certificate; however, the failure of a person to supply
22 the copy shall not in any way impair the validity of process
23 served by the person. The court may, in its discretion upon
24 motion, order service to be made by a private person over 18
25 years of age and not a party to the action. It is not
26 necessary that service be made by a sheriff or coroner of the
27 county in which service is made. If served or sought to be
28 served by a sheriff or coroner, he or she shall endorse his
29 or her return thereon, and if by a private person the return
30 shall be by affidavit.

31 (a-5) Upon motion and in its discretion, the court may
32 appoint as a special process server a private detective

1 agency certified under the Private Detective, Private Alarm,
2 Private Security, and Locksmith Act of 2004 ~~1993~~. Under the
3 appointment, any employee of the private detective agency who
4 is registered under that Act may serve the process. The
5 motion and the order of appointment must contain the number
6 of the certificate issued to the private detective agency by
7 the Department of Professional Regulation under the Private
8 Detective, Private Alarm, Private Security, and Locksmith Act
9 of 2004 ~~1993~~.

10 (b) Summons may be served upon the defendants wherever
11 they may be found in the State, by any person authorized to
12 serve process. An officer may serve summons in his or her
13 official capacity outside his or her county, but fees for
14 mileage outside the county of the officer cannot be taxed as
15 costs. The person serving the process in a foreign county may
16 make return by mail.

17 (c) If any sheriff, coroner, or other person to whom any
18 process is delivered, neglects or refuses to make return of
19 the same, the plaintiff may petition the court to enter a
20 rule requiring the sheriff, coroner, or other person, to make
21 return of the process on a day to be fixed by the court, or
22 to show cause on that day why that person should not be
23 attached for contempt of the court. The plaintiff shall then
24 cause a written notice of the rule to be served on the
25 sheriff, coroner, or other person. If good and sufficient
26 cause be not shown to excuse the officer or other person, the
27 court shall adjudge him or her guilty of a contempt, and
28 shall impose punishment as in other cases of contempt.

29 (d) If process is served by a sheriff or coroner, the
30 court may tax the fee of the sheriff or coroner as costs in
31 the proceeding. If process is served by a private person or
32 entity, the court may establish a fee therefor and tax such
33 fee as costs in the proceedings.

34 (e) In addition to the powers stated in Section 8.1a of

1 the Housing Authorities Act, in counties with a population of
2 3,000,000 or more inhabitants, members of a housing authority
3 police force may serve process for forcible entry and
4 detainer actions commenced by that housing authority and may
5 execute orders of possession for that housing authority.

6 (f) In counties with a population of 3,000,000 or more,
7 process may be served, with special appointment by the court,
8 by a private process server or a law enforcement agency other
9 than the county sheriff in proceedings instituted under the
10 Forcible Entry and Detainer Article of this Code as a result
11 of a lessor or lessor's assignee declaring a lease void
12 pursuant to Section 11 of the Controlled Substance and
13 Cannabis Nuisance Act.

14 (Source: P.A. 90-557, eff. 6-1-98; 91-95, eff. 7-9-99.)

15 ARTICLE 99. EFFECTIVE DATE.

16 Section 99-5. Effective date. This Act takes effect upon
17 becoming law."